

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE August 14, 2024

FROM: **Planning & Development Services Dept.**

AGENDA TIME 9:00 AM/ No. 4

Parcel Map #02507/IS #23-0041
PROJECT TYPE: Mark & Marlene/Dennis & Julia Bernsen SUPERVISOR DIST. #5

LOCATION: 2490 E. Boyd Road APN: 041-290-002-000

Brawley, CA 92227 PARCEL SIZE: +/- 148.34 Acres

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

ZONE (existing) A-2-R (General Agriculture/Rural) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: August 14, 2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 06/13/2024

INITIAL STUDY: #23-0041

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

IID _____

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT, STAFF WOULD THEN RECOMMEND THAT YOU TAKE 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 (EEC) HEARING HELD ON JUNE 13, 2024; AND,
2. MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE JUNE 13, 2024, EEC HEARING, THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE CALIFORNIA FISH AND GAME CODE,
3. ADOPT THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, APPROVING PARCEL MAP #02507, SUBJECT TO ALL CONDITIONS.

STAFF REPORT
PLANNING COMMISSION MEETING
August 14, 2024

Project Name: **Mark & Marlene/Dennis & Julia Bernson**
 Parcel Map #02507/ Initial Study #23-0041

Applicant: **Mark & Marlene/Dennis & Julia Bernson**
 P.O. Box 1422
 Brawley, California 92227

Project Location:

The project is located at 2490 E. Boyd Road., Brawley, CA, 92227, east of the Poore and Boyd Roads intersection, in the County of Imperial, California. The parcel is legally described as the Lots 6 8 & 11 SE4 of NW4 & Por Lot 17 & SW4 SEC 28 14-16, S.B.B.M., located in the unincorporated Brawley town site of the County of Imperial; and is further identified as Assessor's Parcel Number 041-290-002-000. (See Attachment "A" Vicinity Map, for reference)

Project Summary:

The applicants, Mark & Marlene/Dennis & Julia Bernsen, submitted a minor subdivision application proposing to divide a general agricultural/rural zoned parcel with allowed residential use to separate the farmland from the existing home. The parcel size is approximately 148.34 acres to be divided into two parcels, with Parcel 1 to have approximately 145.84 acres and Parcel 2 to have approximately 2.50 acres. Exhibit "B" shows the tentative Parcel Map as proposed by the applicant. The proposed subdivision would create two parcels and, as proposed, Parcel 1 (farmland) exceeds the minimum lot size within the A-2-R Zone, which is forty (40) acre gross per Title 9 Division 5 Chapter 8 Section 90508.4. Pursuant to Section 90508.4 Lot Reduction Exception, proposed parcel 2 would satisfy the minimum lot size/parcel size since said exception may approve a parcel map creating no more than two (2) parcels where one or both parcels is smaller than the applicable minimum parcel size. A condition to be met to satisfy the minimum parcel size is that the existing single-family dwelling on site to have been constructed prior to April 1, 1976. The home on Proposed Parcel 2 was built in 1966, thereby, has met Lot Reduction Exception #1 (a). The proposed subdivision is consistent with the General Plan.

Proposed Parcel 1 (farmland) is currently farmed and has legal and physical access from Poore Road and Boyd Road. Parcel 1 will continue to receive water from the Oat Lateral Delivery No.4 through an easement from Parcel 2 and will continue to drain to the Oasis Drain. Proposed Parcel 1 will continue to be farmed.

Proposed Parcel 2 has an existing residential home, built in 1966 per Assessor’s Building Record, with legal and physical access from Poore Road. Parcel 2 will continue to receive water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto any neighboring properties. Discharge wastewater through an existing septic system, is self-contained and does not drain onto Proposed Parcel 1. Proposed Parcel 2 will continue to be a single-family dwelling with the proposed land size of approximately 2.50 acres.

Environment Setting:

The parcels to the North, East and West are agriculture farmed land and zoned A-2-R (General Agricultural/Rural). The parcel to the South is zoned A-2-R (General Agriculture/Rural) with a single-family home on site.

Land Use Analysis:

The project site is designated as “Agriculture” under the Imperial County General Plan and is zoned “A-2-R” (General Agricultural/Rural Zone) per Zoning Map #31 of the Imperial County Title 9 Land Use Ordinance. The proposed minor subdivision would divide an existing general agricultural zoned parcel with allowed residential use of approximately 148.34 acres into two (2) parcels with Parcel 1 with an estimated 145.84 acres and Parcel 2 with an estimated 2.50 acres.

Surrounding Land Use Ordinance:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Agriculture/Residential	A-2-R	Agriculture
North	Agricultural Land	A-2-R	Agriculture
South	Agricultural Land	A-2-R	Agriculture
East	Agricultural Land	A-2-R	Agriculture
West	Agricultural Land	A-2-R	Agriculture

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee (EEC). The Committee consists of a seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On June 13, 2024, after review by the EEC members, the members recommended a Negative Declaration.

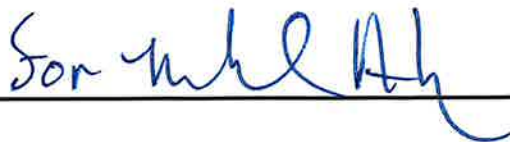
The project was publicly circulated from June 17, 2024, through July 11, 2024, comments were received, reviewed and made part of this project.

Staff Recommendation:


It is recommended that you conduct a public hearing, that you hear all opponents and proponents of the proposed project, staff would then recommend that you take 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 (EEC) hearing held on June 13, 2024; and,
2. Adopt the attached Resolutions and supporting findings, approving Parcel Map #02507, subject to all conditions.

Prepared By: Evelia Jimenez, Planner II
Planning & Development Services



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



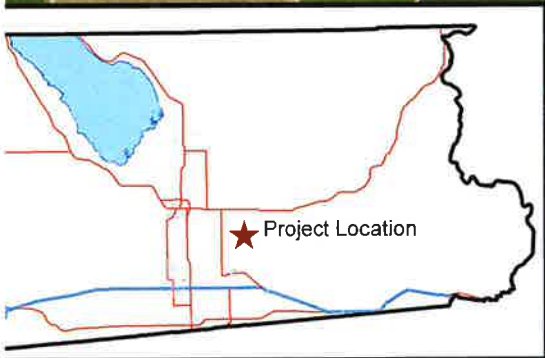
Approved By: Jim Minnick, Director
Planning & Development Services

for [Signature]

- Attachments:
- A. Vicinity Map
 - B. Tentative Parcel Map
 - C. CEQA Resolution
 - D. PC Resolution
 - E. Conditions of Approval PM#02507
 - F. Environmental Evaluation Committee Package
 - G. Comment Letters

ATTACHMENT A
Vicinity Map

PROJECT LOCATION MAP



MARK & MARLENE / DENNIS & JULIA BERNSEN
2490 E. BOYD RD, BRAWLEY
APN 041-290-002-000
PM #02507 / IS #23-0041

-  Project Location
-  Centerline
-  Parcels



ATTACHMENT B
Tentative Parcel Map

TENTATIVE PARCEL MAP NO.

A PORTION OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M. IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA



CURVE TABLE

#	DELTA	LENGTH	RADIUS	AREA	PERF	W
(2)	89.2925	191.5907	54.0307	W		



LEGAL DESCRIPTION

APN: 041-293-002

LOTS 8, 11, AND 17, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT RECORDS OF CALIFORNIA.

APN: 041-293-002

LOT 8, 11, AND 17, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT RECORDS OF CALIFORNIA.

SCHEDULE B ITEMS WITHIN EXCEPTIONS

AS SHOWN ON PTR No. 7102210378-55

- 1. TOTAL EXISTING ACREAGE: 148.34
- 2. EXISTING LAND USE: AGRICULTURE AND RESIDENTIAL
- 3. PROPOSED LAND USE: AGRICULTURE AND RESIDENTIAL
- 4. PROPOSED PARCEL 1: 145.35 ACRES
- 5. PROPOSED PARCEL 2: 2.40 ACRES

GENERAL NOTES:

F.E.M.A. FLOOD ZONE: A2Z

ACCORDING TO F.E.M.A. FLOOD INSURANCE MAP, PARCEL NO. 041-293-002, DATED SEPTEMBER 2007, IS ZONED A2Z. PARCEL NO. 041-293-002, ZONE "X", AREAS OF ANNUAL FLOOD HAZARD.

LEGAL DESCRIPTION

APN: 041-293-002

LOTS 8, 11, AND 17, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT RECORDS OF CALIFORNIA.

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VESTED IN:

MARK BERNSHAW AND MARLENE BERNSHAW, AS TRUSTEES OF THE DENNIS AND JULIE BERNSHAW REVOCABLE TRUST, AS TO AN UNDIVIDED ONE-HALF INTEREST; AND DENNIS ENGINE BERNSHAW AND JULIE BERNSHAW, AS TRUSTEES OF THE DENNIS AND JULIE BERNSHAW REVOCABLE TRUST, AS TO AN UNDIVIDED ONE-HALF INTEREST.

PREPARED BY: PRECISION ENGINEERING & SURVEYING, INC.

REGISTERED PROFESSIONAL ENGINEER

REGISTERED PROFESSIONAL SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR

REGISTERED PROFESSIONAL CIVIL ENGINEER

REGISTERED PROFESSIONAL ELECTRICAL ENGINEER

REGISTERED PROFESSIONAL MECHANICAL ENGINEER

REGISTERED PROFESSIONAL CHEMICAL ENGINEER

REGISTERED PROFESSIONAL METALLURGICAL ENGINEER

REGISTERED PROFESSIONAL AERONAUTICAL ENGINEER

REGISTERED PROFESSIONAL NUCLEAR ENGINEER

REGISTERED PROFESSIONAL ENVIRONMENTAL ENGINEER

REGISTERED PROFESSIONAL FUEL CELL ENGINEER

REGISTERED PROFESSIONAL INDUSTRIAL ENGINEER

REGISTERED PROFESSIONAL MARINE ENGINEER

REGISTERED PROFESSIONAL POWER ENGINEER

REGISTERED PROFESSIONAL TRANSPORTATION ENGINEER

REGISTERED PROFESSIONAL WIND ENGINEER

REGISTERED PROFESSIONAL POLYMER ENGINEER

REGISTERED PROFESSIONAL BIOMEDICAL ENGINEER

REGISTERED PROFESSIONAL PETROLEUM ENGINEER

REGISTERED PROFESSIONAL CHEMICAL ENGINEER

REGISTERED PROFESSIONAL METALLURGICAL ENGINEER

REGISTERED PROFESSIONAL AERONAUTICAL ENGINEER

REGISTERED PROFESSIONAL NUCLEAR ENGINEER

REGISTERED PROFESSIONAL ENVIRONMENTAL ENGINEER

REGISTERED PROFESSIONAL FUEL CELL ENGINEER

REGISTERED PROFESSIONAL INDUSTRIAL ENGINEER

REGISTERED PROFESSIONAL MARINE ENGINEER

REGISTERED PROFESSIONAL POWER ENGINEER

REGISTERED PROFESSIONAL TRANSPORTATION ENGINEER

REGISTERED PROFESSIONAL WIND ENGINEER

REGISTERED PROFESSIONAL POLYMER ENGINEER

REGISTERED PROFESSIONAL BIOMEDICAL ENGINEER

REGISTERED PROFESSIONAL PETROLEUM ENGINEER

PRINTED: 11/28/2023

ATTACHMENT C
CEQA Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING “NEGATIVE DECLARATION” (INITIAL STUDY #23-0041) FOR PARCEL MAP #02507.

WHEREAS, on May 31, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for June 13, 2024; and,

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

WHEREAS, on June 13, 2024, the Environmental Evaluation Committee heard the project and recommends the Planning Commission of the County of Imperial to adopt the Negative Declaration for Parcel Map #02507; and

WHEREAS, the Negative Declaration was circulated from June 17, 2024, to July 11, 2024; and,

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

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

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Parcel Map #02507. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the attached Negative Declaration (ND) for Parcel Map #02507 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Parcel Map; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Parcel Map #02507.

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

I hereby certify that the preceding Resolution was taken by the Planning Commission at a meeting conducted on August 14, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT D
PC Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING PARCEL MAP #02507 AND CONDITIONS OF APPROVAL FOR MARK & MARLENE/DENNIS & JULIA BERNSEN.

WHEREAS, Mark & Marlene/Dennis & Julia Bernsen, have submitted an application for Parcel Map #02507 proposing to subdivide land on existing agricultural parcel into two (2) individual parcels; and,

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

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

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on August 14, 2024; and,

WHEREAS, on June 13, 2024, the Environmental Evaluation Committee heard the proposed project and recommends the Planning Commission adopt the Negative Declaration; and,

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

SECTION 1. The Planning Commission has considered Parcel Map #02507 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Parcel Map and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Parcel Map #02507 have been made:

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

The subdivision is a minor subdivision, which is intended to subdivide agricultural land on an existing parcel which totals approximately +/- 148.34 acres into two (2) individual parcels with Parcel 1 of approximately 145.84 acres and Parcel 2 of approximately 2.50 acres. These newly proposed parcels have been identified on the proposed Exhibit (See Attachment B).

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

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

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

The proposed division of land is consistent with the Imperial County General Plan; the project site is designated as "Agriculture". The existing residential use on the land is consistent with the Imperial County General Plan.

The proposed parcel map is to subdivide an existing parcel into two (2) individual parcels with no proposed change to the existing Land Use Designation; therefore, is considered consistent with the Imperial County General Plan.

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

The design of the proposed parcel map is consistent with the Imperial County General Plan; the project site is designated Agriculture and zoned A-2-R (General Agriculture/Rural Zone). The proposed subdivision would create two parcels and, as proposed, Parcel 1 (farmland) exceeds the minimum lot size within the A-2-R Zone, which is forty (40) acre gross per Title 9 Division 5 Chapter 8 Section 90508.4. Pursuant to Section 90508.4 Lot Reduction Exception, proposed parcel 2 would satisfy the minimum lot size/parcel size since said exception may approve a parcel map creating no more than two (2) parcels where one or both parcels are smaller than the applicable minimum parcel size. A condition to be met to satisfy the minimum parcel size is that the existing single-family dwelling on site to have been constructed prior to April 1, 1976. The home on Proposed Parcel 2 was built in 1966, thereby, has met The Lot Reduction Exception #1 (a). The proposed subdivision is consistent with the General Plan

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

The project is currently farmed and has an existing home on site. The proposed parcel map does not include nor anticipate future developments nor changes to the existing general agricultural/rural zoned parcel with allowed residential Land Use Designation.

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

The proposed project was environmentally assessed, and it was determined that there will be no significant impacts to fish & wildlife habitats. A negative declaration was recommended to be adopted at the June 13, 2024, Environmental Evaluation Committee hearing.

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

The project proposes to subdivide land on an existing parcel into two (2) individual parcels with no proposed change to the existing residential Land Use Designation, therefore, is not likely to cause serious public health problems.

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

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

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

A Negative Declaration was recommended to be adopted at the June 13, 2024, Environmental Evaluation Committee hearing which determined a less than significant impact on wildlife or natural resources; no future impacts are anticipated.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Parcel Map #02507, subject to the Conditions of Approval.

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

I hereby certify that the preceding resolution was taken by the Imperial County Planning Commission at a meeting conducted on August 14, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

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ATTACHMENT E
PM Conditions of Approval

CONDITIONS OF APPROVAL

PARCEL MAP #02507

(Mark & Marlene/Dennis & Julia Bernsen)
[041-290-002-000]

NOTICE TO APPLICANT!

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

GENERAL CONDITIONS:

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

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

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

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

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

SITE SPECIFIC CONDITIONS:

1. Provide a Parcel Map prepared by a California-licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code¹.
2. Provide tax certificate from the Tax Collector's Office prior to recordation of the Parcel Map¹.
3. The applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities³.

4. The applicant shall provide an Irrevocable Offer of Dedication (IOD) or dedicate the required portion for sufficient right of way for future development of Boyd Road, being classified as Minor Collector-Local Collector, two (2) lanes, requiring seventy feet (70) of right of way, being thirty-five (35) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification. **(As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan)¹.**
5. The parcel map shall be based upon a field survey. The basis of bearing for the parcel map shall be delivered from the current epoch of the California Coordination System (CCS), North America Datum of 1983 (NAD83). The survey shall show connections to a minimum of two (2) Continuously Operating References Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the parcel map¹.
6. Applicant shall furnish a Drainage and Grading Plan to provide for the property grading and erosion control, which shall also include prevention of sedimentation or damage to off-site properties (and storm water retention for a 100-year storm event). Said plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included¹.
7. Each parcel created or affected by this project shall abut a maintained road and/or have legal and physical access to a public road¹.
8. Per Imperial County Air Pollution Control District, any future developments must comply with all Air District Rules and would emphasize Regulations VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity and the Air District requests a copy of the finalized map for its records².

1 – Imperial County Department Public Works comment letter dated February 9, 2024.

2 – County of Imperial Air Pollution Control District (Air District) comment letter dated February 5, 2024..

3 – Imperial Irrigation District comment letter dated July 10, 2024.

ATTACHMENT F
EEC Package

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: June 13, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 5

Parcel Map #02507

PROJECT TYPE: Mark & Marlene/Dennis & Julia Bernsen SUPERVISORY DISTRICT #5

LOCATION: 2490 E. Boyd Road APN: 041-290-002-000

Brawley, CA 92227 PARCEL SIZE: +/- 148.34 acres

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

ZONE (existing) A-2-R(General Agricultural/Rural Zone) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: _____

INITIAL STUDY: #23-0041

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

REQUESTED ACTION:

(See Attached)

Planning & Development Services
801 MAIN ST., EL CENTRO, CA 92243 442-2643
(Jim Minnick, Director)

EEC ORIGINAL PKG

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Parcel Map #02507/Initial Study #23-0041
Mark & Marlene Bernsen
Dennis & Julie Bernsen**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
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EEC ORIGINAL PKG

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Parcel Map #02507 (Refer to Exhibit "A" & "B") where the intent of the project is to separate existing farmland from the house. For purposes of this document, the abovementioned project will be called the "proposed application."

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 the 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.

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- 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:** Parcel Map #02507 for Mark & Marlene/Dennis & Julia Bernsen / Initial Study #23-0041
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Evelia Jimenez Planner II, (442) 265-1736, ext. 1747
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** ejimenez@co.imperial.ca.us
6. **Project location:** 2490 E. Boyd Road, Brawley, CA, 92227, Assessor's Parcel Number (APN) 041-290-002-000
7. **Project sponsor's name and address:** Mark & Marlene/Dennis & Julia Bernsen
P.O. Box 1422
Brawley, CA 92227
8. **General Plan designation:** Agriculture
9. **Zoning:** A-2-R (General Agriculture/Rural)

10. **Description of project:**

The applicants, Mark & Marlene/Dennis & Julia Bernsen, submitted a minor subdivision application proposing to divide a general agricultural/rural zoned parcel with allowed residential use to separate the farmland from the existing home. The parcel size is approximately 148.34 acres to be divided into two parcels, with Parcel 1 to have approximately 145.94 acres and Parcel 2 to have approximately 2.40 acres. Exhibit "B" shows the tentative Parcel Map as proposed by the applicant. The proposed subdivision would create two parcels and, as proposed, Parcel 1 (farmland) exceeds the minimum lot size within the A-2-R Zone, which is forty (40) acre gross per Title 9 Division 5 Chapter 8 Section 90508.4. Pursuant to Section 90508.4 Lot Reduction Exception, proposed parcel 2 would satisfy the minimum lot size/parcel size since said exception may approve a parcel map creating no more than two (2) parcels where one or both parcels is smaller than the applicable minimum parcel size. A condition to be met to satisfy the minimum parcel size is that the existing single-family dwelling on site to have been constructed prior to April 1, 1976. The home on Proposed Parcel 2 was built in 1966, thereby, has met The Lot Reduction Exception #1 (a). The proposed subdivision is consistent with the General Plan.

Proposed Parcel 1 (farmland) is currently farmed and has legal and physical access from Poore Road and Boyd Road. Parcel 1 will continue to receive water from the Oat Lateral Delivery No.4 through an easement from Parcel 2 and will continue to drain to the Oasis Drain. Proposed Parcel 1 will continue to be farmed.

Proposed Parcel 2 has an existing residential home, built in 1966 per Assessor's Building Record, with legal and physical access from Poore Road. Parcel 2 will continue to receive water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto any neighboring properties. Discharge wastewater through an existing septic system, is self-contained and does not drain onto Proposed Parcel 1. Proposed Parcel 2 will continue to be a single-family dwelling with the proposed land size of approximately 2.40 acres.

11. **Surrounding land uses and setting:** The project site is located on the southeast corner of Boyd Road and Poore Road in the County of Imperial, California. The project is surrounded by parcels zoned as A-2-R (General Agricultural/Rural Zone) to the South, West, North and to the East.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): A) Planning Commission
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources,**

procedures regarding confidentiality, etc.?

Native American Heritage Commission (NAHC) was contacted and invited to participate in the Request for Review and Comments as part of the Initial Study review process. AB52 letters were sent to the Campo Band of Mission Indians and to the Quechan Indian Tribe on January 24, 2024. No comments were received.

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

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.

EEC VOTES

- PUBLIC WORKS
- ENVIRONMENTAL HEALTH SVCS
- OFFICE EMERGENCY SERVICES
- APCD
- AG
- SHERIFF DEPARTMENT
- ICPDS

- | YES | NO | ABSENT |
|-------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Jim Minnick

 Jim Minnick, Director of Planning/EEC Chairman

6-13-2024

 Date:

PROJECT SUMMARY

EEC ORIGINAL PKG

A. **Project Location:** The project site ("site") is located at 2490 E. Boyd Road, Brawley, CA, (APN) 041-290-002-000.

B. **Project Summary:** The applicants, Mark & Marlene/Dennis & Julia Bernsen, submitted a minor subdivision application proposing to divide a general agricultural/rural zoned parcel with allowed residential use to separate the farmland from the existing home. The parcel size is approximately 148.34 acres to be divided into two parcels, with Parcel 1 to have approximately 145.94 acres and Parcel 2 to have approximately 2.40 acres.

Proposed Parcel 1 (farmland) is currently farmed and has legal and physical access from Poore Road and Boyd Road. Parcel 1 will continue to receive water from the Oat Lateral Delivery No.4 through an easement from Parcel 2 and will continue to drain to the Oasis Drain. Proposed Parcel 1 will continue to be farmed.

Proposed Parcel 2 has an existing residential home, built in 1966 per Assessor's Building Record, with legal and physical access from Poore Road. Parcel 2 will continue to receive water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto proposed Parcel 1 nor any neighboring properties. Discharge wastewater will be through an existing septic system. Proposed Parcel 2 will continue to be a single-family dwelling with the proposed land size of approximately 2.40 acres.

C. **Environmental Setting:** The proposed project site is surrounded by agricultural fields to the North, East and West. To the South there is a residence with farmland. The land is generally flat and located in the Northwest corner of Poore Rd and Boyd Rd.

D. **Analysis:** Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Agriculture". It is classified as A-2-R (General Agricultural/Rural Zone) per Zone Map #31 of the Imperial County Land Use Ordinance (Title 9).

The proposed subdivision is proposing two (2) parcels: Proposed Parcel 1 with approximately 148.34 acres and Proposed Parcel 2 with approximately 2.40 acres. The proposed parcels comply with Section 90508.05 of the Imperial County Land Use Ordinance, Title 9, which states that where an Onsite Wastewater Treatment System is proposed, the minimum lot size may be required to be larger than one (1) acre as required by County Ordinance §8.80.150.

E. **General Plan Consistency:** The project is located within the Imperial County's General Plan designation of "Agriculture" and zoned A-2-R (General Agricultural/Rural Zone). The proposed project is consistent with the Imperial County General Plan and Land Use Ordinance Section 90508.04. No change is being proposed to the existing "Agriculture" use.

Exhibit A
Vicinity Map



MARK & MARLENE / DENNIS & JULIA BERNSEN
2490 E. BOYD RD, BRAWLEY
APN 041-290-002-000
PM #02507 / IS #23-0041




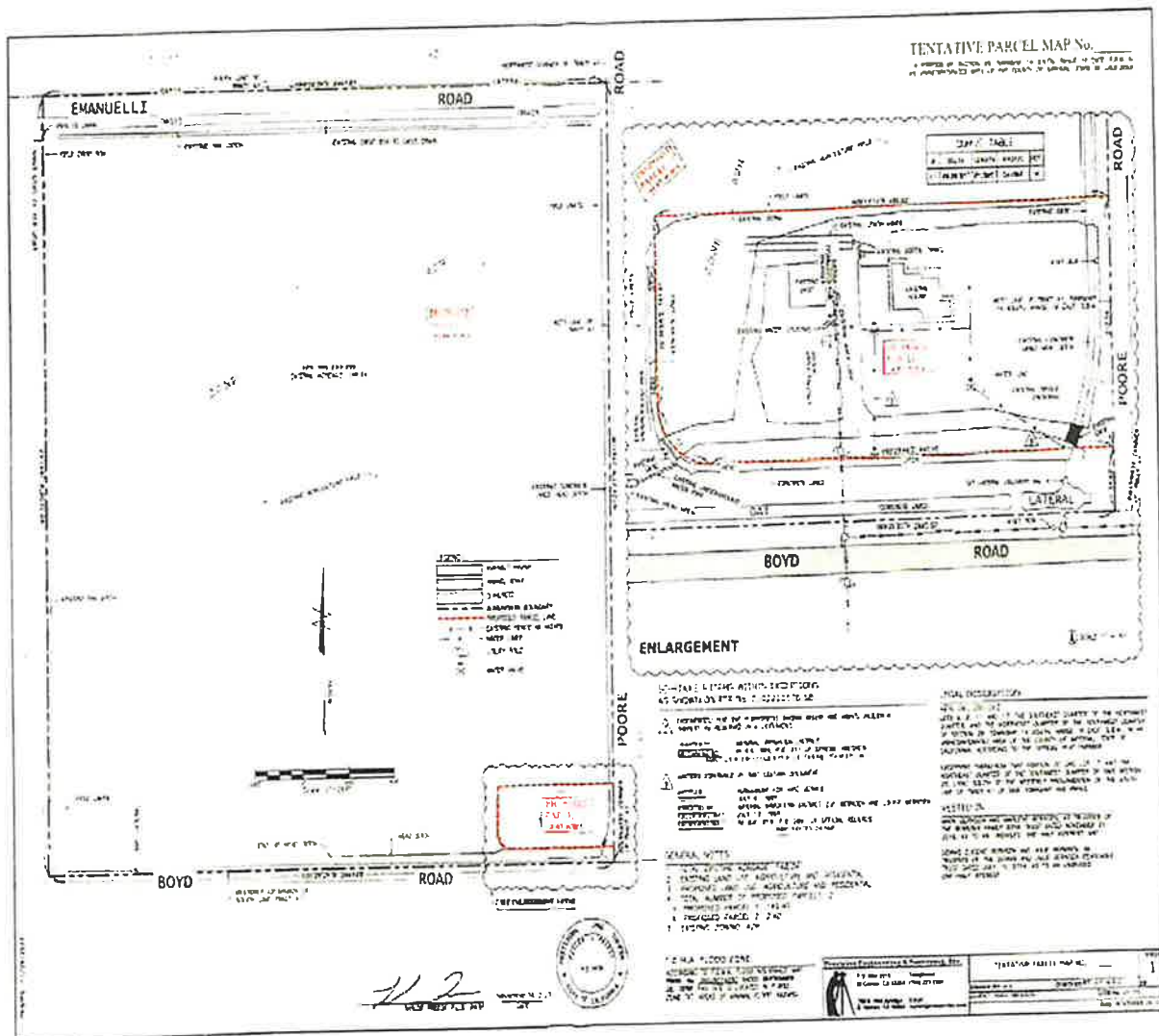
 Project Location
 Centerline
 Parcels



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)	Less Than Significant with Mitigation Incorporated (LTSWMI)	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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The project site is not located near a scenic highway per the Imperial County Circulation and Scenic Highway Element¹. The roads surrounding the parcel do not meet the scenic highway criteria found on the California Scenic Highway Program²; therefore, no impacts are expected. | | | | |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) There are no scenic resources surrounding the project site; therefore, no impacts are 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The proposed project would not modify the existing visual character of the site nor its surroundings since it consists of a minor subdivision and no physical changes are being proposed; therefore, no impacts are expected. | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) The application does not include any proposals of new sources of light or glare; therefore, no 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) According to the California Department of Conservation Farmland Mapping and Monitoring Program (2022), the project site is designated as "Farmland of Statewide Importance"³, there is no conversion of agricultural use to non-agricultural use being proposed; therefore, no impacts are expected. The proposed project is zoned general agricultural/rural zone with allowed residential use. The proposed project is to divide the farmland from the existing residential home. No changes to the zone or existing use are proposed. Therefore, no impact is anticipated. | | | | |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Per the California Williamson Act and Enrollment Finder⁴ 2022, the County of Imperial is "Non-Participating or Withdrawn" from Williamson Act Contracts; therefore, it is not expected to conflict with existing zoning as no changes to the zone are proposed. The proposed project is zoned general agricultural/rural with residential use. The project is to divide one parcel into two parcels. Parcel 1 for the farmland and Parcel 2 for the existing residential dwelling. Therefore, no impact is anticipated. | | | | |

¹ Imperial County General Plan Circulation and Scenic Highways Element, page 30

² Imperial County General Plan Circulation and Scenic Highways Element, pages 80-108

³ California Department of Conservation Farmland Mapping

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>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))?</p> <p>c) The proposed project is consistent with zoning and is not located within a forestland or timberland; therefore, it is not expected to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). No impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> <p>The proposed project is not located in forest land; therefore, it is not expected to result in the loss of forest land or conversion of forest land to non-forest use. No impacts are expected</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>e) The project proposes a minor subdivision to divide one general agricultural/rural zoned parcel with allowed residential use into two parcels. The proposed project is to divide one parcel into two: Parcel 1 for farmland and Parcel 2 for the residential single-family dwelling. No changes to zone or existing use have been proposed. It would not result in the conversion of farmland. Therefore, the impacts are anticipated to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p> <p>a) The proposed project is a minor subdivision, and it is not expected to conflict with or obstruct implementation of the applicable air quality plan. If any future construction and earthmoving is to occur, the applicant must adhere to Air District Rules and Regulations. In addition, per the Imperial County Air Pollution Control District letter dated, February 5, 2024, any future developments must comply with all Air District Rules and would emphasize Regulation VIII-Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. No changes to the existing zone or land use have been proposed; therefore, any impacts are anticipated to be less than significant.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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?</p> <p>b) As previously stated under item (III)(a) above, any future construction shall comply with the rules and regulations of the Imperial County Air Pollution Control District, therefore, it is not expected that the proposed project would substantially contribute to an existing or projected air quality violation. Therefore, any impacts are anticipated to be less than significant.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Expose sensitive receptors to substantial pollutants concentrations?</p> <p>c) The proposed project is a minor subdivision to divide one parcel into two parcels. No new construction or change to the existing zone or land use has been proposed. The proposed subdivision of dividing the existing residential dwelling from the farmland is not expected to expose sensitive receptors to substantial pollutants concentrations. Compliance with ACPD's requirements, rules and regulations would bring any impacts to less than significant.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?</p> <p>d) As previously stated on item (III)(c) above, the proposed minor subdivision does not anticipate creating objectionable odors that would adversely affect a substantial number of people. Also, as previously stated on item (III)(b) above, compliance with ACPD's requirements, rules, and regulations and adhering to the California Building Code would bring any impacts to less than significant.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

a) **The proposed project site is located within disturbed land. According to the Imperial County General Plan's Conservation and Open Space Element⁸, Figure 2, "Imperial County Sensitive Species," the project site may be within the Borrowing Owl Species Distribution Model; however, the proposed project does not expect to have any physical changes to the environment. Consequently, it does not appear to have a substantially adverse effect, either directly or indirectly through habitat modification, or to any species identified as a candidate, sensitive, or of special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service. Any future developments on site, the applicant shall contact ICPDS; therefore, any impacts are expected to be less than significant.**

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

According to the Imperial County General Plan's Conservation and Open Space Element⁸ Figure 3 the project is not within a riparian habitat or Agency-Designated habitat. The proposed project does not appear to have a substantial effect on local or regional plans, policies, and regulations regarding sensitive natural communities or by the Departments of Fish and Wildlife. In addition, the existing residential dwelling and farmland is proposed to remain; therefore, no impacts are expected.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) **As previously stated on item (IV)(b) above, the proposed project is a minor subdivision that is not located within a riparian habitat and will not cause a substantial adverse effect on federal protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Any impacts are anticipated 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?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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d) **The proposed project site has an existing residential dwelling and farmland on an area of approximately +/-148.34 acres where no physical alterations to the environment are proposed. Additionally, as previously stated on item (IV)(b) above, the project site is not located within a Sensitive Habitat^{8a}; therefore, it would not 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. Any impacts are expected to be less than significant.**

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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e) **The proposed project does not conflict with any local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance. No 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?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

f) **According to the Imperial County General Plan's Conservation and Open Space Element, the project is not within a designated sensitive habitat or an agency-designated habitat area. Therefore, it would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts are expected.**

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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 Element⁴, Figure 5 "Areas of Heightened Historic Period Sensitivity"^{5a}, the project site is near the 1000 buffer around the named Streams and Waterbodies, Kearny and Emory and the Mission Road Exploration and Trail Routes, 1770-1890. Additionally, Figure 6 "Known Areas of Native American Cultural Sensitivity" does not locate the project within a designated area of possible impact. On January 25, 2024 AB 52 letters were sent to the Campo Band of Mission Indians and the Quechan Indian with no response was received. Therefore, impacts are expected to be less than significant.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
b) The proposed project is located on already disturbed land with an existing residential dwelling and farmland on site with no documented nor known archeological resources. The proposed minor subdivision is not likely to cause a substantial adverse change to any archeological resource. Any impacts are anticipated to be less than significant.
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
c) As previously stated on (V)(b) above, the proposed project site is located on disturbed land with an existing farmland and a residential dwelling on site and no cemeteries are located adjacent to the project site; therefore, it is not expected that the proposed project will result in the disturbance of any human remains, including those interred outside dedicated cemeteries. Therefore, any potential impacts are anticipated to be less than significant.

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

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
a) The proposed project is a minor subdivision that is not proposing any changes to the existing residential dwelling and farmland on site; therefore, it will not result in potentially significant environmental impacts due to wasteful, insufficient, or unnecessary consumption of energy resources. Any impacts are anticipated to be less than significant levels.
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
b) As previously stated in item (VI) (a) above, the proposed project is a minor subdivision which does not propose any changes to the existing general agricultural zoned parcel with allowed residential use on site. Any future or new developments would require compliance with the latest energy efficiency and renewable energy standards and regulations. Therefore, the proposed project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Any potential impacts are anticipated to be less than significant.

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 subdivision does not appear to conflict with the geology and soil of adjacent parcels in the area as no proposed developments are anticipated at the time. Additionally, the existing residential home and farmland are proposed to remain. Should any new, future developments occur on either parcel, such will be subjected to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Therefore, the proposed project would not directly or indirectly cause a potential substantial adverse effect, including risk of loss, injury, or death involving. Any impacts are anticipated to be less than significant.
- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
1) The proposed project is a minor subdivision where the existing residential dwelling and farmland is to remain. The most recent Alquist-Priolo Earthquake Fault Zoning Map¹⁵ indicates that the proposed site project is approximately 8.4

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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miles east of the Imperial Fault. However, Imperial County is classified as Seismic Zone D per the Uniform Building Code, which requires that any developments within this zone be required to incorporate the most stringent earthquake resistant measures. Should any future developments are to occur, on any parcel, such will be subject to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Adherence and compliance to these standards and regulations would bring any impacts to less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 2) Strong Seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) The proposed project is a minor subdivision where the existing residential dwelling and farmland is to remain. According to the California Fault Activity Map ¹⁵ and the United States Geological Survey's Quaternary Faults Map ¹⁷ the proposed project site is located approximately 8.4 miles east of the Imperial Fault, indicating seismic ground shaking is expected. However, Imperial County is classified as Seismic Zone D per the Uniform Building Code, which requires that any developments within this zone are required to incorporate the most stringent earthquake resistant measures. Should any future developments occur, on any parcel, such will be subjected to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Therefore, any potential impacts are anticipated to be less than significant | | | | |
| 3) Seismic-related ground failure, including liquefaction and seiche/tsunami? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) According to the California Tsunami Data Maps ¹⁹ the project site is not located in a seiche/tsunami area. In addition, the proposed project does not anticipate any new developments. Any impacts are expected to be less than significant. | | | | |
| 4) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) According to Imperial County General Plan's Seismic and Public Safety Element ¹⁸ , "Landslide Activity Map ^{18a} ," Figure 2, the proposed project is not located within a landslide activity area. The topography within the proposed project site is generally flat; therefore, no impacts are expected. | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) According to Imperial County General Plan's Seismic and Public Safety Element ¹⁸ , "Erosion Activity Map ^{18c} ," Figure 3, the proposed project is not located within an area of substantial soil erosion. The proposed project does not include any earthmoving activities that could cause soil erosion or loss of topsoil. Should any future development occur, it shall be done in accordance with local and state standards; doing so will bring potential impacts to less than significant levels. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The proposed project site is not located on a geological unit that would become unstable or collapse as a result of the proposed minor subdivision. In addition, per the letter dated February 9, 2024, the Imperial County Department of Public Works stated the applicant shall provide a Grading and Drainage Study/Plan to provide for property grading and erosion control which shall also include prevention of sedimentation of damage to off-site properties (and storm water retention for a 100-year storm event). The Study/Plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included. Adherence and compliance to the California Building Code and the Imperial County Department of Public Works standards Should any future construction occur, on any parcel, such will be subjected to compliance with the latest edition of the California Building Code as well as through a ministerial building permit review. Adherence and compliance to State and Local standards and regulations would bring any impacts to less than significant. | | | | |
| d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) The proposed project is a minor subdivision on already disturbed land with an existing residential dwelling and farmland on site. According to the U.S. Department of Agriculture, Natural Resources Conservation Service "Soil Maps ²⁰ ," the proposed project site is located on an area containing Imperial silty and Imperial-Glenbar wet, clays and loams. However, as previously stated on section (VII) (c), should any future construction occur on any parcel, such will require adherence and compliance to the latest version of the California Building Code, State and Local standards and regulations as applicable as well as to go through a ministerial building permit review which would bring any potential impacts to less than 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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water?

e) The proposed project does not anticipate any changes to the existing general agricultural/rural zoned parcel with allowed residential use. The existing home currently has a septic system, will continue receiving water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto neighboring properties. Should any future development occur, on any of the proposed parcels, septic tanks or alternative wastewater disposal systems shall comply with applicable local standards and state regulations from the Imperial County Public Health Department, Division of Environmental Health. Adherence and compliance to State and Local standards and regulations would bring any potential impacts to less than significant.

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

f) The project site is located on already disturbed land on an existing residential dwelling and farmland on site. No changes to the existing zone or land use have been proposed and the dwelling and farmland are to remain. The proposed subdivision does not appear to destroy a unique paleontological resource or site of unique geologic feature directly or indirectly on site. Any potential impacts are expected to be less than significant.

VIII. GREENHOUSE GAS EMISSION Would the project:

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

a) The proposed project is a minor subdivision on already disturbed land with an existing residential dwelling and farmland on site and are to remain. No changes to the existing zone and land use have been proposed. Compliance with applicable Imperial County Air Pollution Control District's rules and regulations would bring any potential impacts to less than significant.

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

b) The proposed minor subdivision would not conflict with any regulations under AB-32 Global Warming Solutions Act of 2006, of reducing the emissions of greenhouse gases to 1990 levels by 2020 provided that the applicant adheres to APCD's regulations. Less than significant impacts are expected.

IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:

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

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

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

b) The proposed minor subdivision, to divide the existing residential dwelling from the farmland, is not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment as no hazardous materials are anticipated in the proposed project. No changes to the existing zone and land use have been proposed; therefore, no impacts are anticipated.

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

c) The proposed project does not anticipate the emitting of hazardous emissions, or the handling of hazardous or acutely hazardous materials, substance, or waste as previously stated on items (IX)(a) and (IX)(b) above. The nearest school in the area is Holtville Union High School, which is approximately 7.25 miles northeast of the proposed project site; therefore, it would not represent a risk to educational facilities; therefore, no impacts are anticipated.

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d) The proposed project is not located on a site included on a list of hazardous materials sites according to California Department of Toxic Substances Control EnviroStor ²¹ ; therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 per the Imperial County Airport Land Use Compatibility Maps ²² . The nearest airport is the Holtville Airport located approximately 5.51 miles southeast of the proposed project; therefore, the proposed project would not result or create a significant hazard or excessive noise for people residing or working in the project area; therefore, no impacts are anticipated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? f) The proposed minor subdivision would not interfere with an adopted emergency response plan or emergency evacuation plan; The applicant will meet any requirements as requested by the Fire/OES Department. Therefore, any impacts are anticipated to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? g) According to Cal Fire "Fire Hazard Severity Zones in State Responsibility Areas – Imperial County ²⁴ " adopted November 6, 2007, the proposed project site is located within an unincorporated Local Responsibility Area. Should any future developments occur, such may be subject to the inclusion of fire sprinklers and have either a private water or public source as pressurized hydrants for fire suppression. Compliance with Imperial County Fire Department standards would bring any potential impacts to less than significant levels.	<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) The proposed minor subdivision is to divide the existing residential dwelling from the farmland and would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Any anticipated impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
b) The proposed project is to continue with the existing residential home and farmland on site and is not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Any potential impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
c) The proposed minor subdivision is not located near a body of water and does not anticipate physical alterations to the site that would 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. Additionally, per the February 9, 2024, letter by the Imperial County Public Works Department, the proposed project shall provide a Grading and Drainage Letter to provide for property grading and erosion control, which shall also include prevention of sedimentation or damage to off-site properties (and storm water retention for a 100-year storm event). The Study/Plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included. For any future development, compliance with Public Works Department standards and regulations prior to recordation of the proposed parcel map would bring any potential impacts to less than significant.

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

(i) According to Imperial County General Plan's Seismic and Public Safety Element¹⁰, "Erosion Activity Map^{10b}," Figure 3, the proposed project is not located within an area of substantial soil erosion or siltation on- or off-site. Additionally, the proposed project of dividing the existing residential dwelling from the farmland will continue with the existing land use. No future development has been proposed. Therefore, any potential impacts are expected to be less than significant.

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

(ii) As previously stated on item (X)(c)(i) above, the proposed project does not anticipate new development; therefore, it is not expected to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite. For any future development on either parcel, compliance with Imperial County Public Works Department standards and regulations would bring any potential impacts to less than significant.

- (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;

(iii) As previously stated on item (X)(c) above, per the Imperial County Public Works Department letter dated February 9, 2024, the proposed project shall provide a Grading and Drainage Letter to provide for property grading and erosion control, which shall also include prevention of sedimentation or damage to off-site properties (and storm water retention for a 100-year storm event). The Study/Plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included. For any future development, compliance with Public Works Department standards and regulations prior to recordation of the proposed parcel map would bring any potential impacts to less than significant.

- (iv) impede or redirect flood flows?

(iv) According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center¹⁷, Flood Insurance Rate Map, the proposed project site is located within "Zone X" of flood map 06025C1425C, effective September 26, 2008. However, since no new developments are proposed and existing agricultural operations are to remain and as a result, it would not impede or redirect flood flows. Additionally, reviewed and approved grading and drainage letters are to be required by the Imperial County Public Works Department. Therefore, compliance with ICPWD's standards would bring any impacts to be less than significant.

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

(d) The proposed project will continue with the existing agricultural and residential uses with no new developments proposed; therefore, impacts related to risk release of pollutants due to project inundation are anticipated to be less than significant.

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

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

XI. LAND USE AND PLANNING Would the project:

- a) Physically divide an established community?

a) The proposed minor subdivision is to divide one parcel into two parcels to separate the existing residential home from the farmland and would not physically divide an established community. No changes to the existing land use designation or

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zoning have been proposed. Therefore, no impacts are expected.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) As previously stated on item (XI)(a) above, the proposed project is consistent with the Imperial County General Plan and the Imperial County Land Use Ordinance; therefore, no impacts are expected. | | | | |

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The proposed project does not anticipate the removal of mineral resources and it is not located within the boundaries of an active mine per Imperial County General Plan's Conservation and Open Space Element ⁴ , "Existing Mineral Resources Map ^{4e} " Figure 8. No 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The proposed minor subdivision will not result in the loss of availability of locally-important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan. The proposed project is the divide the existing residential dwelling from the farmland; therefore, no impacts are expected | | | | |

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed project is a minor subdivision to divide one parcel into two parcels to separate the existing home from the farmland. The project would not result in the generation of temporary or permanent noise beyond that which already occurs on the site. However, should any future development occur, such action would be subject to the Imperial County General Plan's Noise Element ¹⁹ which states that construction equipment operation shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and from 9 a.m. to 5 p.m. on Saturday. Additionally, construction noise from a single piece of equipment or combination shall not exceed 75 dB Leq when averaged over an eight (8) hour period. Compliance with Imperial County General Plan's Noise Element would bring any potential impacts to less than significant levels. | | | | |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The proposed subdivision does not anticipate any changes to the existing residential dwelling and farmland. As previously stated on item (XIII)(a) above, any future development would be subject to Imperial County General Plan's Noise Element. Any impacts are expected to be less than significant levels. | | | | |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The project site is not within two miles of a public airport or a public use airport. In addition, the project would not expose people to excessive noise levels since no development is being proposed. The nearest airport, Holtville Airport, is approximately 5.13 miles southeast of the proposed project. No changes to the existing zone or land use have been proposed; therefore, less than significant 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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roads or other infrastructure)?

a) The proposed project is a minor subdivision to divide one parcel into two parcels to separate the existing residential home from the farmland. The project would not induce a substantial unplanned population growth in an area, either directly or indirectly, as no changes to the zone or land use have been proposed. Therefore, any potential 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 minor subdivision will not displace substantial number of people necessitating the construction or replacement of housing elsewhere as the existing residential dwelling and farmland are proposed to remain. Any potential impacts are expected to be less than significant.

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 minor subdivision is to divide one parcel into two parcels, separating an existing home from the farmland, and it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios. Any potential impacts are expected to be less than significant.

1) Fire Protection?

1) The proposed minor subdivision is not expected to result in substantial impacts on fire protection as the proposed project is to divide the existing residential dwelling from the farmland. No changes to the existing use have been proposed. For any future developments on either parcel, compliance with California Building and Fire Code regulations would bring any impacts to less than significant.

2) Police Protection?

2) The proposed minor subdivision to divide one parcel into two parcels is not expected to result in substantial impacts on police protection. Both the California Highway Patrol and Sheriff's Office South County Patrol have active policing and patrol operations in the area. Any potential impacts are expected to be less than significant.

3) Schools?

3) The proposed subdivision is not expected to have a substantial impact on schools as the project would divide one parcel into two parcels separating the existing residential dwelling from the farmland. The nearest school, Holtville Union Elementary School, is approximately 6.3 miles southwest of the property location and would not be impacted by the proposed subdivision. No impacts are expected.

4) Parks?

4) The proposed project is not expected to create a substantial impact on parks as the project would divide one parcel into two parcels where the existing agricultural and residential uses are to continue. Any impacts are expected to be less than significant.

5) Other Public Facilities?

5) The proposed minor subdivision is not expected to have a substantial impact on other public facilities as the project is to divide one parcel into two parcels, to separate the existing residential dwelling from the farmland; therefore, no impacts are anticipated.

XVI. RECREATION

a) Would the project increase the use of the existing

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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 to divide one parcel into two parcels, to separate the existing home site from the farmland, where the existing land use and zoning is to remain. Subsequently, the proposed subdivision would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Any impacts are expected to be less than significant.

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

b) The proposed minor subdivision does not include nor require the construction or expansion of recreational facilities as it would divide one parcel into two parcels, separating an existing house from farmland; therefore, less than significant impacts are expected.

XVII. TRANSPORTATION *Would the project:*

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

a) The proposed project is to separate an existing home from farmland by dividing one parcel into two parcels and where the current uses are proposed to remain. The minor subdivision is not expected to create a substantial impact to surrounding roads nor conflicting with Imperial County General Plan's Circulation and Scenic Highway Element¹. However, any new impacts would appear to be less than significant.

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

b) The proposed minor subdivision will not conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) as it is not expected to have a significant transportation impact within transit priority areas with no proposed change on the existing land use. Additionally, the proposed project site is not located within 1/4 mile of either an existing major transit stop or a stop along an existing high quality transit corridor. Less than significant impacts are expected.

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

c) The proposed minor subdivision does not appear to substantially increase hazards due to a geometric design feature or incompatible use. Additionally, the project does not propose any new development and the existing residential and agricultural uses are proposed to remain. Therefore, any impacts are expected to be less than significant.

d) Result in inadequate emergency access?

d) The proposed project would not result in inadequate emergency access as the project is to divide one parcel into two parcels to separate the existing residential home from the farmland. Both parcels have direct access to Boyd Road to the south and Poore Rd to the east of the property. The current access to the site is not known to be inadequate and the project would not block any emergency access; therefore, no impacts are expected.

XVIII. TRIBAL CULTURAL RESOURCES

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

a) According to the Imperial County General Plan's Conservation and Open Space Element, Figure 6, the project site is not located within any Native American Cultural Sensitivity Area. Additionally, the County mailed the AB52 letters to the Campo Band of Mission Indians and the Quechan Indian Tribe on January 24, 2024, and no response was received from either one. Less than significant impact is anticipated.

(i) Listed or eligible for listing in the California Register

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

(i) **According to the California Historical Resources⁴ in County of Imperial, the proposed project site is not listed or seem to be eligible under Public Resources Code Section 21074 or 5020.1 (k); therefore, any impacts are expected to be less than significant.**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(ii) **There appears to be no history or association in the past with any evidence of historical resources for the property to be either identified as of significance nor as candidate for listing in the California Register; 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 checked="" type="checkbox"/>	<input type="checkbox"/>
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a) The proposed minor subdivision is to divide one parcel into two parcels, to separate an existing home from farmland. No changes to the existing land use and zoning have been proposed. Additionally, it does not expect to result in the relocation or construction of a new expanded water, wastewater treatment or stormwater drainage, electric power, natural gas or telecommunication facilities, the construction of which could cause significant environmental effects; therefore, any impacts are anticipated to be less than significant.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) The project will not increase the need for additional water to be extracted as the minor subdivision is to divide one parcel into two parcels to separate the existing home from the farmland. In addition, no changes to the existing zone and land use have been proposed. Therefore, less than significant impacts are expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) The proposed minor subdivision will divide one parcel into two parcels, to separate an existing home from farmland. It is not expected to 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 provider's existing commitments. Additionally, the existing residential home as a septic system and adequate capacity to serve the existing use. Less than significant impacts are expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Solid waste is not expected to be generated in excess by the proposed subdivision since no changes to the existing zone and land use are being proposed. Less than significant impacts are expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) The proposed project does not anticipate an expansion of the existing agricultural and residential uses as no new developments are proposed. The proposed subdivision shall comply with federal, state, and local management and reduction

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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statutes and regulations related to solid waste. Any impact would be anticipated to be less than significant.

XX. **WILDFIRE**

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>a) As previously stated on item (X)(g) – "Hazards and Hazardous Materials" above, per Cal Fire's "Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵" adopted November 7, 2007, the proposed project site not located within a Very High Fire Hazard Severity Zone (VHFHZ). Therefore, the proposed subdivision would not substantially impair an adopted emergency response plan or emergency evacuation plan. Should any future development occur on either parcel, compliance with the California Building and Fire Codes and the National Fire Protection Association standards would, therefore, anticipate impacts to be less than significant.</p> | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) The proposed project is not located within a Very High Fire Hazard Severity Zone (VHFHZ); therefore, impacts 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 are expected to be less than significant.</p> | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) The proposed subdivision does not propose any changes in the existing land use or zoning. The project is to divide one parcel into two parcels, separating an existing house from farmland. Should any future development occur on either parcel, compliance with the California Building and Fire Code and the National Fire Protection Association standards would, therefore, reduce impacts to less than significant levels.</p> | | | | |
| 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"/> |
| <p>d) The proposed project site is generally flat and proposes to continue with the existing agricultural and residential uses. Additionally, as previously stated on item (XX)(a) above, the proposed project is not located within a Very High Fire Hazard Severity Zone per Cal Fire's "Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵"; therefore impacts related to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes are considered to be less than significant.</p> | | | | |

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)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

IV. PERSONS AND ORGANIZATIONS CONSULTED

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

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planning Division Manager
- Imperial County Air Pollution Control District
- Imperial County Department of Public Works

B. OTHER AGENCIES/ORGANIZATIONS

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

V. REFERENCES

1. Imperial County General Plan: Circulation and Scenic Highway Element
<https://www.icpds.com/assets/planning/circulation-scenic-highway-element-2008.pdf>
2. California State Scenic Highway System Map
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
3. California Important Farmland Finder: Imperial County 2020
<https://maps.conservation.ca.gov/DLRP/CIFF/>
4. California Williamson Act Enrollment Finder
<https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html>
5. Imperial County General Plan Land Use Map
<https://icpds.maps.arcgis.com/apps/webappviewer/index.html?id=078e1e32c6dc4223ba8c7d69d7c6c383>
6. Imperial County Air Pollution Control District comment letter dated February 5, 2024
7. Imperial County Division of Environmental Health no response.
8. Imperial County General Plan: Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
 - a) Figure 1: Sensitive Habitat Map
 - b) Figure 2: Sensitive Species Map
 - c) Figure 3: Agency-Designated Habitats Map
 - d) Figure 5: Areas of Heighten Historic Period Sensitivity Map
 - e) Figure 6: Known Areas of Native American Cultural Sensitivity Map
 - f) Figure 8: Existing Mineral Resources Map
9. National Wetlands Inventory Map: Surface Waters and Wetlands
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
10. National Water Information System: Mapper
<https://maps.waterdata.usgs.gov/mapper/index.html>
11. California Sustainable Groundwater Management Act (SGMA) Data Viewer
<https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#currentconditions>
12. Quechan Indian Tribe & Campo Band of Mission Indians comment letter sent January 25, 2024 No response
13. California Building Code 2022
14. California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones
<https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=32.538703%2C-110.920388%2C6.00>
15. California Department of Conservation: Fault Activity Map
<https://maps.conservation.ca.gov/cgs/fam/>
16. United States Geological Survey's Quaternary Faults Map
<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>
17. Imperial County General Plan: Seismic and Public Safety Element
<https://www.icpds.com/planning/land-use-documents/general-plan/seismic-and-public-safety>
 - a) Figure 1: Seismic Activity in Imperial County Map
 - b) Figure 2: Landslide Activity Map
 - c) Figure 3: Erosion Activity Map
 - d) Figure 5: Hazardous Materials Sites Map
 - e) Figure 7: Seismic Hazards Map
18. California Tsunami Data Maps
<https://www.conservation.ca.gov/cgs/tsunami/maps>
19. United States Department of Agriculture- Natural Resources Conservation Service: Soils Map
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
20. California Department of Toxic Substances Control: EnviroStor
<https://www.envirostor.dtsc.ca.gov/public/>
21. Imperial County Airport Land Use Compatibility Maps

- <https://icpds.maps.arcgis.com/apps/webappviewer/index.html?id=46f7796b2dfb4a6db5311d7892f0b411>
22. Imperial Valley Emergency Communications Authority (IVECA) comment letter dated June 8, 2023
 23. Cal Fire: Fire Hazard Severity Zones Maps – Imperial County
https://osfm.fire.ca.gov/media/6680/fhszs_map13.pdf
 24. Federal Emergency Management Agency (FEMA) Flood Map Service Center: Flood Insurance Rate Map
<https://msc.fema.gov/portal/search?AddressQuery=851%20pitzer%20road%20heber%20ca#searchresultsanchor>
 25. Imperial County General Plan: Noise Element
<https://www.icpds.com/assets/planning/noise-element-2015.pdf>
 26. California Historic Resources: Imperial County
<https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>
 27. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

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: Parcel Map (PM #02507) Initial Study #23-0041

Project Applicant: Mark & Marlene/Dennis & Julia Bernsen

Project Location: The project site ("site") is located at 2490 E. Boyd Road, Brawley, CA, 92227. The parcel is identified as Assessor's Parcel Number (APN) 041-290-002-000 and is legally described as Lots 6, 8, 11 & 17; SE ¼ of the NW ¼; and the NE ¼ of the SW ¼ of Section 28, Township 14 South, Range 16 East, S.B.M., in an unincorporated area of the County of Imperial.

Description of Project: The applicants, Mark & Marlene/Dennis & Julia Bernsen, submitted a minor subdivision application proposing to divide a general agricultural/rural zoned parcel with allowed residential use to separate the farmland from the existing home. The parcel size is approximately 148.34 acres to be divided into two parcels, with Parcel 1 to have approximately 145.94 acres and Parcel 2 to have approximately 2.40 acres. The proposed subdivision would create two parcels and, as proposed, Parcel 1 (farmland) exceeds the minimum lot size within the A-2-R Zone, which is forty (40) acre gross per Title 9 Division 5 Chapter 8 Section 90508.4. Proposed Parcel 2, with the home built in 1966, does not exceed the minimum lot size, however, per Section 90508.4 Lot Reduction Exception #1 (a) constructed prior to April 1, 1976, would satisfy the minimum lot size/parcel size. The Lot Reduction Exception #1 may approve a parcel map creating no more than two (2) parcels where one or both parcels is smaller than the applicable minimum parcel size. A condition to be met to satisfy the minimum parcel size is that the existing single-family dwelling on site to have been constructed prior to April 1, 1976. The home on Proposed Parcel 2 was built in 1966, thereby, has met The Lot Reduction Exception #1 (a). The proposed subdivision is consistent with the General Plan.

Proposed Parcel 1 (farmland) is currently farmed and has legal and physical access from Poore Road and Boyd Road. Parcel 1 will continue to receive water from the Oat Lateral Delivery No.4 through an easement from Parcel 2 and will continue to drain to the Oasis Drain. Proposed Parcel 1 will continue to be farmed.

Proposed Parcel 2 has an existing residential home, built in 1966 per Assessor's Building Record, with legal and physical access from Poore Road. Parcel 2 will continue to receive water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto any neighboring properties. Discharge wastewater through an existing septic system, is self-contained and does not drain onto Proposed Parcel 1. Proposed Parcel 2 will continue to be a single-family dwelling with the proposed land size of approximately 2.40 acres.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:

The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

6-13-2024 
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

6-13-24
Date

EEC ORIGINAL PKG

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

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COMMENT LETTERS

EEC ORIGINAL PKG



COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA 92243

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

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Public Works works for the Public

February 09, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 11:29 am, Feb 09, 2024

Attention: Evelia Jimenez, Planner II

SUBJECT: PM 2507 Mark & Marlene Bemsen/Dennis & Julie Bemsen
Located at 2490 E Boyd Rd.
Brawley, CA 92227
APN 041-290-002

Dear Mr. Minnick:

This letter is in response to your submittal received on January 25, 2024 for the above-mentioned project. The applicant is proposing to subdivide 148.34 acres into two (2) parcels to separate the homesite from farmland.

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

1. Evidence of legal access from Boyd Rd and Poore Rd shall be provided.
2. The applicant shall provide an Irrevocable Offer of Dedication (IOD) or dedicate the required portion for sufficient right of way for future development of Boyd Road, being classified as Minor Collector – Local Collector - two (2) lanes, requiring seventy (70) feet of right of way, being thirty - five (35) feet from the existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
3. Provide a Parcel Map prepared by a California Licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code.
4. Provide tax certificate from the Tax Collector's Office prior to recordation of the Parcel Map.
5. The Parcel Map shall be based upon a field survey. The basis of bearings for the Parcel Map shall be derived from the current epoch of the California Coordinate System (CCS), North America Datum of 1983 (NAD83). The survey shall show connections to a minimum of two (2) Continuously Operating Reference Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the Parcel map.

6. A water delivery easement shall be recorded to ensure that Parcel 1 will continue to receive irrigation water from Oat Lateral Delivery No. 4 to continue farming operations.
7. Each parcel created or affected by this map shall abut a maintained road and/or have legal and physical access to a public road.
8. The Applicant shall provide a Grading and Drainage Study/Plan to provide for property grading and erosion control which shall also include the prevention of sedimentation or damage to off-site properties (and storm water retention for a 100-year storm event). The Study/Plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included.

Respectfully,



David Dale, PE, PLS
Assistant Public Works Director

CY



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

January 25, 2024
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 |
|---|---|--|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez/
Miguel Figueroa | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert
Benavidez/Fred Miramontes/Ryan
Kelley | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/
Sal Flores/Robert Malek/ David Lantzer |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay | <input checked="" type="checkbox"/> Board of Supervisors – John Hawk
District #5 | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/
Alphonso Andrade/Jorge Perez/Vanessa
R Ramirez |
| <input checked="" type="checkbox"/> County Counsel – Eric Havens | | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen
Leon/Jesus Ramirez |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan
D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – Margo
Sanchez/Antonio Venegas/ Ashley
Jauregui/ Jolene Dessert | |
| <input checked="" type="checkbox"/> Fish & Game Commission - Rosa Lopez | <input checked="" type="checkbox"/> Campo Band Of Mission Indians -
Marcus Cuero/Jonathan Mesa | <input checked="" type="checkbox"/> IID – Donald Vargas |

From: Evelia Jimenez Planner II - (442) 265-1736 or ejimenez@co.imperial.ca.us
Project ID: Parcel Map #02507/ Initial Study #23-0041
Project Location: 2490 E. Boyd Road Brawley, CA 92227 APN 041-290-002

Project Description: Applicant is proposing to subdivide 148.34 acres into two (2) parcels to separate the homesite from farmland. The proposed 148.34 acres are to be divided as follows: Parcel 1, the farmland, with 145.94 acres & Parcel 2, the homesite, with 2.40 acres.

Applicants: Mark & Marlene Bensen /Dennis & Julie Bensen

Comments due by: **February 08th, 2024, at 5:00PM**

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 Comment

Name: Antonio Venegas Signature: Antonio Venegas Title: Agricultural Biologist/Standards Specialist IV
Date: 01/25/2024 Telephone No.: 442-265-1500 E-mail: antoniovenegas@co.imperial.ca.us

EVATIS:\AllUsers\APN04112901002\PM02507\PM02507 Request for Comments 1.25.24.docx

AIR POLLUTION CONTROL DISTRICT



February 5, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 3:29 pm, Feb 08, 2024

SUBJECT: Parcel Map 02507- Mark & Marlene Bernsen/Dennis & Julie Bernsen

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 Parcel Map 02507 (Project), which proposes to subdivide a 148.34 acre parcel into two parcels to separate a homesite from farmland. The Project will result in two parcels identified as Parcel 1, 145.94 acres of farmland, and Parcel 2, 2.40 acres with the homesite. The project is located at 2490 E Boyd Rd., Brawley also identified as Assessor's Parcel Number 041-290-002.

The Air District would like to remind the applicant that the project and any future developments must comply with all Air District Rules and would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20 % visual opacity.

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

For convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have any questions or concerns please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,

Ismael Garcia
Environmental Coordinator

Reviewed by
Monica Soucier
APC Division Manager

APPLICATION

EEC ORIGINAL PKG

11

MINOR SUBDIVISION

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

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

1. PROPERTY OWNER'S NAME Mark & Marlene Bernsen / Dennis & Julie Bernsen	EMAIL ADDRESS joebuck4mb@gmail.com	
2. MAILING ADDRESS P.O. Box 1422 Brawley, CA	ZIP CODE 92227	PHONE NUMBER 760-996-2310
3. ENGINEER'S NAME Taylor Preece	CAL. LICENSE NO. PLS 9436	EMAIL ADDRESS taylor@presurvinc.com
4. MAILING ADDRESS P.O. Box 2216 El Centro, CA	ZIP CODE 92244	PHONE NUMBER 760-587-6572
5. PROPERTY (site) ADDRESS 2490 E. Boyd Road Brawley, CA 92227	LOCATION Northwest Quadrant of Boyd and Poore Road	
6. ASSESSOR'S PARCEL NO. 041-290-002	SIZE OF PROPERTY (in acres or square foot) 148.34 Acres	
7. LEGAL DESCRIPTION (attach separate sheet if necessary) See attached PTR		
8. EXPLAIN PURPOSE/REASON FOR MINOR SUBDIVISION To separate the homesite from the farmland		

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

PARCEL	SIZE in acres or sq. feet	EXISTING USE	PROPOSED USE	ZONE
1 or A	145.94 AC	Farmland	Farmland	A2R
2 or B	2.40 AC	Residential Home	Residential Home	A2R
3 or C				
4 or D				

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

10. DESCRIBE PROPOSED SEWER SYSTEM(s)	NA
11. DESCRIBE PROPOSED WATER SYSTEM	NA
12. DESCRIBE PROPOSED ACCESS TO SUBDIVIDED LOTS	Parcel 1 from Poore and Boyd Road, Parcel 2 from Poore Road
13. IS THIS PARCEL PLANNED TO BE ANNEXED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, TO WHAT CITY or DISTRICT?

PLEASE PRINT YOUR NAME AND ADDRESS THE APPLICANT'S APPLICABLE PROPERTY THAT YOU OWN OR CONTROL. IF YOU ARE APPLICATING AS A PARTNER, YOU MUST PRINT THE NAME OF THE PARTNER AND THE ADDRESS OF THE PROPERTY.

See attached signature sheet

Print Name (owner) _____ Date _____

Signature (owner)
Taylor Preece _____ December 6, 2023

Print Name (Agent) _____ Date _____

Signature (Agent) _____

REQUIRED SUPPORT DOCUMENTS

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

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

APPLICATION RECEIVED BY: _____	DATE: 12-27-23	REVIEW / APPROVAL BY OTHER DEPT S required
APPLICATION DEEMED COMPLETE BY: _____	DATE: _____	<input type="checkbox"/> P W
APPLICATION REJECTED BY: _____	DATE: _____	<input type="checkbox"/> E H S
TENTATIVE HEARING BY: _____	DATE: _____	<input type="checkbox"/> A P C D
FINAL ACTION <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE: _____	<input type="checkbox"/> O E S
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____

PM#
02507

EEC ORIGINAL PKG



Precision Engineering & Surveying, Inc.

P.O. Box 2216 El Centro, CA 92244

799 E. Heil Ave., El Centro, CA 92243.

Tel. (760) 353-2684 • Fax (760) 353-2686

Bernsen Parcel Map

2490 E. Boyd Road Brawley, CA

Project Description

The property is located between Boyd Road and Emmanuelli Road, bounded to the East by Poore Road in the County of Imperial, California. The subject property is described as being Lots 6, 8, 11 & 17; The Southeast Quarter of the Northwest Quarter; and the Northeast Quarter of the Southwest Quarter of Section 28, T.14S., R.16E., S.B.M., all of which lie north of the westerly prolongation of the south line of Tract 41, and containing 148.34 Acres. The property is also known as Assessor Parcel Number 041-290-002.

The reasoning behind the proposed parcel map is to split the farmland from the home site.

Proposed Parcel 1 will have legal and physical access from Poore Road and Boyd Road.

Proposed Parcel 2 will have legal and physical access from Poore Road. Proposed Parcel 1 will continue to receive irrigation water from the Oat Lateral Delivery No. 4 through an easement from Parcel 2 once parceled out and will continue to drain to the northwest to the Oasis Drain. Proposed Parcel 2 will continue to receive water from the Oat Lateral by pipe service and will continue to be self-contained by berms and will not drain onto any neighboring properties. Parcel 1 will continue to be farmed in agriculture and Parcel 2 will continue to be a residential home.

Neither of the proposed parcels drain onto any other parcels of land and are self contained.



**CHICAGO TITLE
COMPANY**

PRELIMINARY REPORT

Order No.: 7102210578-SB
Property: 2490 E. Boyd Road
Holtville, CA 92250

In response to the application for a policy of title insurance referenced herein, Chicago Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Florida corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Chicago Title Insurance Company

Countersigned By:

Authorized Officer or Agent
Date:



By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

EEC ORIGINAL PKG

Visit Us on our Website: www.ctic.com



ISSUING OFFICE: 1425 Main Street, El Centro, CA 92244

FOR SETTLEMENT INQUIRIES, CONTACT:

TBD

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• FAX

PRELIMINARY REPORT

Update: 1

Title Officer: Stacey Benner
Email: stacey.benner@ctt.com
Phone No.: (760)335-3125
Fax No.: (760)353-1307
Title No.: 7102210578-SB

Customer:
Email:
Phone No.:
Fax No.:
Ref. No.:

PROPERTY ADDRESS(ES): 2490 E. Boyd Road, Holtville, CA

EFFECTIVE DATE: November 13, 2023 at 12:00 AM

The form of policy or policies of title insurance contemplated by this report is:

Condition of Title Guarantee

1. The estate or interest in the Land hereinafter described or referred to covered by this Report is:

Fee

2. Title to said estate or interest at the date hereof is vested in:

Mark Bernsen and Marlene Bernsen, as Trustees of the Bernsen Family 2016 Trust dated November 21, 2016, as to an undivided one-half interest; and

Dennis Eugene Bernsen and Julie Bernsen, as Trustees of the Dennis and Julie Bernsen Revocable Trust dated July 15, 2014, as to an undivided one-half interest

3. The Land referred to in this Report is described as follows:

For APN/Parcel ID(s): 041-290-002-000

LOTS 6, 8, 11 AND 17; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 17, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, LYING SOUTH OF THE WESTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 41 OF SAID TOWNSHIP AND RANGE.

AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 068-015
Tax Identification No.: 041-290-002-000
Fiscal Year: 2023-2024
1st Installment: \$2,307.08 Paid
2nd Installment: \$2,307.08 Paid
Land: \$285,386.00
Improvements: \$80,694.00
Personal Property: \$34,518.00

2. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

3. Taxes and assessments levied by the Imperial Irrigation District, if any.

4. Water rights, claims or title to water, whether or not disclosed by the public records.

5. Rights or claims of easements for canals, drains, laterals, irrigation pipelines and gates not recorded in the public record.

6. Title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Imperial Irrigation District
Purpose: For canal, telephone and power lines and appurtenances.
Recording No.: in book 584, page 317 of Official Records
Affects: Reference is made to said document for full particulars.

8. A right of way for the Oasis Drain along the North side of said land inferred from the last above mentioned deed.

9. Matters contained in that certain document

Entitled: Agreement for Pipe Service
Dated: July 6, 1955
Executed by: Imperial Irrigation District, E.R. Bernsen and Louise Bernsen
Recording Date: July 13, 1955
Recording No.: 56 in book 914, page 569 of Official Records

Reference is hereby made to said document for full particulars.

EXCEPTIONS
(continued)

10. Any invalidity or defect in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this Company will require a Trust Certification pursuant to California Probate Code Section 18100.5.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

11. The herein described Land is located in an area frequently subject to Land Conservation Contracts executed pursuant to the Williamson Act (Cal. Govt. Code §§ 51200 et seq.). Land Conservation Contracts restrict the land use to agricultural, recreational, open-space and other compatible uses. If the herein described Land is subject to a Land Conservation Contract, please notify the Title Department.

The Company reserves the right to add additional items and/or make further requirements

12. Any right, interest or claim that may exist, arise or be asserted under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.

13. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

END OF EXCEPTIONS

NOTES

- Note 1.** Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- Note 2.** If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 3.** If this company is requested to disburse funds in connection with this transaction, Chapter 598, Statutes of 1989 mandates hold periods for checks deposited to escrow or sub-escrow accounts. The mandatory hold period for cashier's checks, certified checks and teller's checks is one business day after the day deposited. Other checks require a hold period of from two to five business days after the day deposited. In the event that the parties to the contemplated transaction wish to record prior to the time that the funds are available for disbursement (and subject to Company approval), the Company will require the prior written consent of the parties. Upon request, a form acceptable to the company authorizing said early recording may be provided to Escrow for execution.
- Wire Transfers
- There is no mandated hold period for funds deposited by confirmed wire transfer. The Company may disburse such funds the same day.
- Note 4.** Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.
- Note 5.** The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- Note 6.** Note: Pursuant to Government Code Section 27388.1, as amended and effective as of 1-1-2018, a Documentary Transfer Tax (DTT) Affidavit may be required to be completed and submitted with each document when DTT is being paid or when an exemption is being claimed from paying the tax. If a governmental agency is a party to the document, the form will not be required. DTT Affidavits may be available at a Tax Assessor-County Clerk-Recorder.
- Note 7.** Due to the special requirements of SB 50 (California Public Resources Code Section 8560 et seq.), any transaction that includes the conveyance of title by an agency of the United States must be approved in advance by the Company's State Counsel, Regional Counsel, or one of their designees.

END OF NOTES

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 041-290-002-000

LOTS 6, 8, 11 AND 17; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 16 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 17, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, LYING SOUTH OF THE WESTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 41 OF SAID TOWNSHIP AND RANGE.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL CALIFORNIA PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This California Privacy Notice explains how we collect, use, and disclose Personal Information, when and to whom we disclose such information, and the rights you, as a California resident ("Consumer"), have regarding your Personal Information ("California Privacy Rights"). "Personal Information" means information that identifies, relates to, describes, and is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. If FNF has collected, used, or disclosed your Personal Information in relation to a job application or employment, independent contractor, officer, owner, or director relationship with FNF, FNF's practices are discussed in our Notice at Collection for Prospective Employees, available at [Prospective California Employees](#).

Some subsidiaries maintain separate California Privacy Notices or privacy statements. If a subsidiary has a separate California Privacy Notice, it will be available on the subsidiary's website, and this California Privacy Notice does not apply.

Collection of categories of Personal Information:

In the preceding twelve (12) months FNF has collected, and will continue to collect, the following categories of Personal Information from you:

- Identifiers such as name, address, telephone number, IP address, email address, account name, social security number, driver's license number, state identification card, passport number, financial information, date of birth, or other similar identifiers;
- Characteristics of protected classifications under California or Federal law;
- Commercial information, including records of personal property, products or services purchased, or other purchasing or consuming histories;
- Internet or other electronic network activity information including, but not limited to browsing history on FNF websites, and information regarding a Consumer's interaction with an FNF website;
- Geolocation data;
- Professional or employment information;
- Education Information.

This Personal Information is collected from the following sources:

- Information we receive from you on applications or other forms;
- Information about your transactions with FNF, our affiliates, or others;
- Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities, or from internet service providers, data analytics providers, and social networks;
- Information from the use of our websites and mobile applications;
- Information we receive directly from you related to doing business with us.

This Personal Information is collected for the following business purposes:

- To provide products and services to you or in connection with a transaction involving you;
- To perform a contract between FNF and the Consumer;
- To improve our products and services;
- To comply with legal obligations;
- To protect against fraudulent or illegal activity;
- To communicate with you about FNF or our affiliates;

- To maintain an account with FNF or our affiliates;
- To provide, support, personalize, and develop our websites, products, and services;
- To directly market our products to consumers;
- As described to you when collecting your Personal Information or as otherwise set forth in the California Consumer Privacy Act.

Disclosures of Personal Information for a business purpose:

In the preceding twelve (12) months FNF has disclosed, and will continue to disclose, the categories of Personal Information listed above for a business purpose. We may disclose Personal Information for a business purpose to the following categories of third parties:

- FNF affiliates and subsidiaries;
- Non-affiliated third parties, with your prior consent;
- Businesses in connection with the sale or other disposition of all or part of the FNF business and/or assets;
- Service Providers and non-affiliated third parties such as internet service providers, data analytics providers, and social networks;
- Law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

Sale of Personal Information:

In the preceding twelve (12) months, FNF has not sold or shared Personal Information. FNF does not sell or share Personal Information.

Retention Periods:

Due to the breadth and variety of data collected by FNF, it is not possible for us to provide you with a comprehensive list of timeframes during which we retain each category of Personal Information. FNF retains categories of information as reasonably necessary to satisfy the purpose for which we collect the information. This time period varies depending on the purpose for which we collected the information, the nature and frequency of our interactions and relationship with you, whether we have a legal basis to continue retaining the information, industry practices, the value and sensitivity of the information, and state and federal recordkeeping requirements.

Personal Information of minors:

FNF does not knowingly collect the Personal Information of minors. FNF does not sell or share the information of consumers under sixteen (16) years of age.

Sensitive Personal Information:

FNF does not use or disclose sensitive Personal Information for any purposes other than those specified in the California Consumer Privacy Act.

Right to know:

Consumers have a right to know about Personal Information collected, used, disclosed, shared, or sold, including the categories of such Personal Information, as well as the purpose for such collection, use, disclosure, sharing, or selling, categories of third parties to whom Personal Information is disclosed, shared or sold, and the specific pieces of Personal Information collected about the Consumer. Consumers have the right to request FNF disclose what Personal Information it collected, used, and disclosed in the past twelve (12) months, or since January 1, 2022.

Right to request deletion:

Consumers have a right to request the deletion of their Personal Information, subject to certain exceptions.

Right to Correct:

Consumers have the right to correct inaccurate Personal Information.

Right to non-discrimination:

Consumers have a right not to be discriminated against because of exercising their consumer privacy rights. We will not discriminate against Consumers for exercising any of their California Privacy Rights.

Privacy Requests:

To exercise any of your California Privacy Rights, or if acting as an authorized agent on behalf of another individual, please visit [California Privacy Request](#), call us Toll Free at 888-413-1748, or write to the address at the end of this notice.

Upon making a California Privacy Request, FNF will verify the Consumer's identity by requiring an account, loan, escrow number, or other identifying information from the Consumer.

The above-rights are subject to any applicable rights and obligations including both Federal and California exemptions rendering FNF, or Personal Information collected by FNF, exempt from certain CCPA requirements.

A Consumer may use an Authorized Agent to submit any CCPA request. Authorized agents' requests will be processed like any other CCPA request, but FNF will also require the Consumer provide the agent written permission to make the request and verify his or her identity with FNF.

FNF website services for mortgage loans:

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice describing the categories, sources, and uses of your Personal Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Information. FNF does not share Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

California Privacy Notice - Effective Date:

This California Privacy Notice was last updated on January 1, 2023.

Contact for more information:

For questions or concerns about FNF's California Privacy Notice and privacy practices, or to exercise any of your California Privacy Rights, please visit [California Privacy](#), call Toll Free 888-413-1748, or contact us by mail at the below address.

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990 (11-09-18)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the public records at Date of Policy.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART II

(Variable exceptions such as taxes, easements, CC&R's, etc., are inserted here)

**ATTACHMENT ONE
(CONTINUED)**

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE OWNER'S POLICY (02-04-22)
EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
 - b. any governmental forfeiture, police, regulatory, or national security power.
 - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
 3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
 - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
 5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
 6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy.

Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
 7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

EXCEPTIONS FROM COVERAGE

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage. This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

PART I

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

PART II

(Variable exceptions such as taxes, easements, CC&R's, etc., are inserted here)

**ATTACHMENT ONE
(CONTINUED)**

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (7-01-21)
EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy and We will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
 - b. any governmental forfeiture, police, or regulatory, or national security power.
 - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23, or 27.
2. Any power to take the Land by condemnation. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 17.
 3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by You;
 - b. not Known to Us, not recorded in the Public Records at the Date of Policy, but Known to You and not disclosed in writing to Us by You prior to the date You became an Insured under this policy;
 - c. resulting in no loss or damage to You;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 5, 8.f., 25, 26, 27, 28, or 32); or
 - e. resulting in loss or damage that would not have been sustained if You paid consideration sufficient to qualify You as a bona fide purchaser of the Title at the Date of Policy.
 4. Lack of a right:
 - a. to any land outside the area specifically described and referred to in Item 3 of Schedule A; and
 - b. in any street, road, avenue, alley, lane, right-of-way, body of water, or waterway that abut the Land.

Exclusion 4 does not modify or limit the coverage provided under Covered Risk 11 or 21.
 5. The failure of Your existing structures, or any portion of Your existing structures, to have been constructed before, on, or after the Date of Policy in accordance with applicable building codes. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 14 or 15.
 6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transfer of the Title to You is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 30.
 7. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
 8. Negligence by a person or an entity exercising a right to extract or develop oil, gas, minerals, groundwater, or any other subsurface substance.
 9. Any lien on Your Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 9 does not modify or limit the coverage provided under Covered Risk 8.a or 27.
 10. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

**ATTACHMENT ONE
(CONTINUED)**

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

**ATTACHMENT ONE
(CONTINUED)**

ALTA OWNER'S POLICY (07-01-2021)

EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
 - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments, imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

EXCEPTIONS FROM COVERAGE

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

NOTE: The 2021 ALTA Owner's Policy may be issued to afford either Standard Coverage or Extended Coverage. In addition to variable exceptions such as taxes, easements, CC&R's, etc., the Exceptions from Coverage in a Standard Coverage policy will also include the Western Regional Standard Coverage Exceptions listed as 1 through 7 below:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

**ATTACHMENT ONE
(CONTINUED)**

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

NOTE: The 2006 ALTA Owner's Policy may be issued to afford either Standard Coverage or Extended Coverage. In addition to variable exceptions such as taxes, easements, CC&R's, etc., the Exceptions from Coverage in a Standard Coverage policy will also include the Western Regional Standard Coverage Exceptions listed below as 1 through 7 below.

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
4. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.]
7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.

Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

FNF Underwritten Title Companies

CTC - Chicago Title Company
CLTC - Commonwealth Land Title Company
FNTC - Fidelity National Title Company of California
FNTCCA - Fidelity National Title Company of California
TICOR - Ticor Title Company of California
LTC - Lawyer's Title Company
SLTC - ServiceLink Title Company

Underwritten by FNF Underwriters

CTIC - Chicago Title Insurance Company
CLTIC - Commonwealth Land Title Insurance Company
FNTIC - Fidelity National Title Insurance Company
FNTIC - Fidelity National Title Insurance Company
CTIC - Chicago Title Insurance Company
CLTIC - Commonwealth Land Title Insurance Company
CTIC - Chicago Title Insurance Company

Available Discounts

DISASTER LOANS (CTIC, CLTIC, FNTIC)

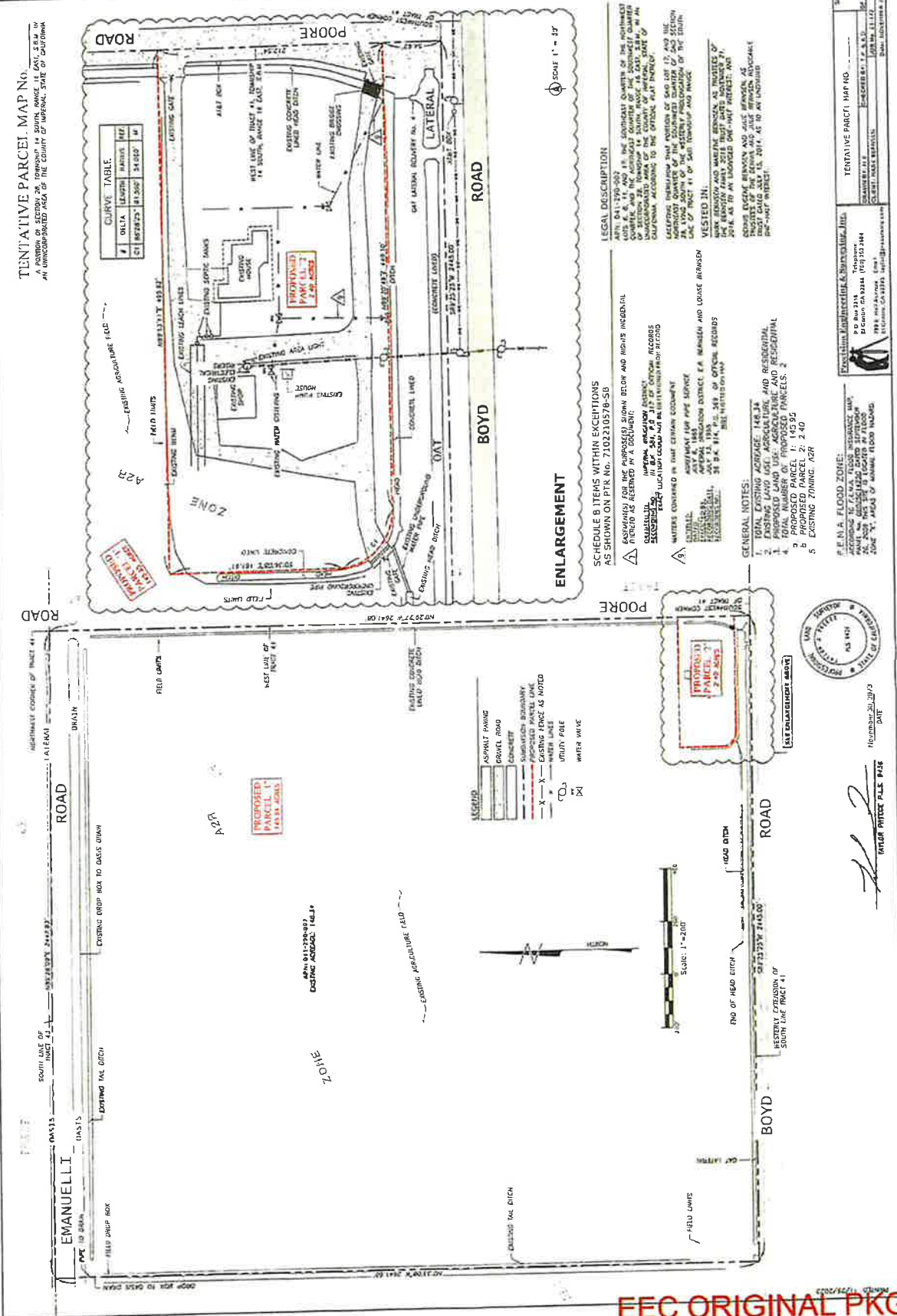
The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be forty percent (40%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

TENTATIVE PARCEL MAP NO. 605, SUB B
AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA

CURVE TABLE	DIST.	CHORD	ARC	AREA
1	140.00	280.00	140.00	280.00
2	140.00	280.00	140.00	280.00
3	140.00	280.00	140.00	280.00



SCHEDULE B ITEMS WITHIN EXEMPTIONS AS SHOWN ON PFR No. 7102210578-SB

EXEMPTIONS FOR THE PURPOSE(S) SHOWED AND RIGHTS INCIDENTAL THEREON:

- 1. **AGRICULTURE** - GENERAL AGRICULTURE
- 2. **AGRICULTURE** - ALLIANCE WITHIN AGRICULTURE

MATERIALS CONTAINED IN THIS CEMEX DOCUMENT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE CEMEX SUPPLY AGREEMENT DATED MAY 6, 1993, AND ANY AMENDMENTS THEREUNTO, WHICH ARE AVAILABLE AT THE CEMEX OFFICE, 3800 EAST STATE STREET, SUITE 100, INDIANAPOLIS, INDIANA 46219.

LEGAL DESCRIPTION
 APN: 041-790-003 IS THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, T4S, R13E, S14W, IMPERIAL COUNTY, CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.
 BEARING THEREON THE POSITION OF SAN LOT 17 AND SECTION 18, T4S, R13E, S14W, IMPERIAL COUNTY, CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.
 BEARING THEREON THE POSITION OF SAN LOT 17 AND SECTION 18, T4S, R13E, S14W, IMPERIAL COUNTY, CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.
 BEARING THEREON THE POSITION OF SAN LOT 17 AND SECTION 18, T4S, R13E, S14W, IMPERIAL COUNTY, CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

GENERAL NOTES:
 1. TOTAL EXISTING AGRICULTURE: 140.00 AC.
 2. EXISTING LAND USE: AGRICULTURE AND RESIDENTIAL.
 3. PROPOSED LAND USE: AGRICULTURE AND RESIDENTIAL.
 4. PROPOSED PARCEL 1: 140.00 AC.
 5. PROPOSED PARCEL 2: 2.00 AC.
 6. EXISTING ZONING: AGR

F.I.E.N.A. FLOOD ZONE:
 ACCORDING TO THE U.S. FLOOD INSURANCE ACT OF 1968 AND THE FLOOD INSURANCE RATE MAP OF CALIFORNIA, THE PROPOSED PARCEL IS NOT A FLOOD ZONE.
 THE PROPOSED PARCEL IS NOT A FLOOD ZONE.



Prepared by: Timothy J. Walker
 License No. 13144
 Date: _____

Checked by: _____
 Date: _____

Scale: 1"=200'
 Date: _____

REC'D 1/28/2013

ATTACHMENT G
Comments Letters



Public Works works for the Public

COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

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

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February 09, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 11:29 am, Feb 09, 2024

Attention: Evelia Jimenez, Planner II

SUBJECT: PM 2507 Mark & Marlene Bemsen/Dennis & Julie Bemsen
Located at 2490 E Boyd Rd.
Brawley, CA 92227
APN 041-290-002

Dear Mr. Minnick:

This letter is in response to your submittal received on January 25, 2024 for the above-mentioned project. The applicant is proposing to subdivide 148.34 acres into two (2) parcels to separate the homesite from farmland.

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

1. Evidence of legal access from Boyd Rd and Poore Rd shall be provided.
2. The applicant shall provide an Irrevocable Offer of Dedication (IOD) or dedicate the required portion for sufficient right of way for future development of Boyd Road, being classified as Minor Collector – Local Collector - two (2) lanes, requiring seventy (70) feet of right of way, being thirty - five (35) feet from the existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
3. Provide a Parcel Map prepared by a California Licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code.
4. Provide tax certificate from the Tax Collector's Office prior to recordation of the Parcel Map.
5. The Parcel Map shall be based upon a field survey. The basis of bearings for the Parcel Map shall be derived from the current epoch of the California Coordinate System (CCS), North America Datum of 1983 (NAD83). The survey shall show connections to a minimum of two (2) Continuously Operating Reference Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the Parcel map.

6. A water delivery easement shall be recorded to ensure that Parcel 1 will continue to receive irrigation water from Oat Lateral Delivery No. 4 to continue farming operations.
7. Each parcel created or affected by this map shall have a maintained road and/or have legal and physical access to a public road.
8. The Applicant shall provide a Grading and Drainage Study/Plan to provide for property grading and erosion control which shall also include the prevention of sedimentation or damage to off-site properties (and storm water retention for a 100-year storm event). The Study/Plan shall be submitted to the Department of Public Works for review and approval and the applicant shall implement the approved plan prior to recordation of the Tract Map. Employment of appropriate Stormwater Best Management Practices (BMPs) shall be included.

Respectfully,



David Dale, PE, PLS
Assistant Public Works Director

CY

AIR POLLUTION CONTROL DISTRICT



June 11, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 4:34 pm, Jul 15, 2024

SUBJECT: Notice of Intent for a Negative Declaration for Parcel Map 02507- Mark & Marlene Bernsen/Dennis & Julie Bernsen

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 the Notice of Intent (NOI) for a Negative Declaration (ND) for Parcel Map (PM) 02507 (Project), which proposes to subdivide an existing 148.34 acre parcel into two parcels to separate a homesite from farmland. The Project will result in two parcels identified as Parcel 1 with approximately 145.84 acres of farmland and Parcel 2 with approximately 2.50 acres with the homesite. The project is located at 2490 E Boyd Rd., Brawley also identified as Assessor's Parcel Number 041-290-002.

The Air District provided comments for the project in a comment letter dated February 5, 2024, and will simply restate the previous comments. The Air District reminds the applicant that the project and any future developments must comply with all Air District Rules and would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20 % visual opacity and the Air District requests a copy of the finalized map for its records.

For convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have any questions or concerns please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,

Ismael Garcia
Environmental Coordinator

Reviewed by,
Monica Soucier
APC Division Manager



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July 10, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 3:03 pm, Jul 10, 2024

SUBJECT: NOI for the Preparation of an ND for the Bernsen Minor Subdivision; PM02507, IS23-0041

Dear Ms. Jimenez:

On June 18, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intention for the preparation of a Negative Declaration for Parcel Map No. 02507, Initial Study No. 23-00341. The applicants, Mark & Marlene/Dennis & Julie Bernsen, propose to subdivide one (1) general agricultural/rural zoned parcel with allowed residential use of approximately 148.34 acres into two (2) parcels, with proposed Parcel 1 of approximately 145.94 acres for the existing farm land and Parcel 2 of approximately 2.40 acres for the existing residential home. The project is located on 2490 E. Boyd Road, Brawley, California (APN 041-290-002-000).

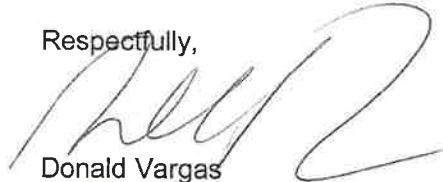
The IID has reviewed the application and has the following comments:

1. IID water facilities that could be impacted include the Oat Lateral and Oasis Drain.
2. The applicant should be advised to establish a point of water delivery and drainage discharge for each parcel. For additional information on water service the applicant may call and coordinate with IID's North End Division Office at (760) 482-9900.
3. Due to changes in the state and federal Safe Drinking Water Acts, when developing project sites, it is important to remember potable water regulations if access to a municipal water system is not available. Since the IID is a regional supplier of raw water, the applicant should be advised that its canal water is not suitable for drinking and cooking purposes. To comply with the SDWAs and reinforce that its water supply is not intended for human consumption, the IID has implemented rules to ensure that its piped water customers also have an alternative water supply that achieves an equivalent level of public health protection for drinking and cooking purposes.
4. The applicant will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed necessary to accommodate street or road improvements imposed by the municipality or County.

5. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.
6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at the website <https://www.iid.com/about-iid/department-directory/real-estate>. No foundations or buildings will be allowed within IID's right of way. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
7. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (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



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

January 25, 2024
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 |
|---|---|--|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez/
Miguel Figueroa | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert
Benavidez/Fred Miramontes/Ryan
Kelley | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/
Sal Flores/Robert Malek/ David Lantzer |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay | <input checked="" type="checkbox"/> Board of Supervisors – John Hawk
District #5 | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/
Alphonso Andrade/Jorge Perez/Vanessa
R Ramirez |
| <input checked="" type="checkbox"/> County Counsel – Eric Havens | | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen
Leon/Jesus Ramirez |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan
D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – Margo
Sanchez/Antonio Venegas/ Ashley
Jauregui/ Jolene Dessert | |
| <input checked="" type="checkbox"/> Fish & Game Commission - Rosa Lopez | <input checked="" type="checkbox"/> Campo Band Of Mission Indians -
Marcus Cuero/Jonathan Mesa | <input checked="" type="checkbox"/> IID – Donald Vargas |

From: Evelia Jimenez Planner II - (442) 265-1736 or ejimenez@co.imperial.ca.us
Project ID: Parcel Map #02507/ Initial Study #23-0041
Project Location: 2490 E. Boyd Road Brawley, CA 92227 APN 041-290-002

Project Description: Applicant is proposing to subdivide 148.34 acres into two (2) parcels to separate the homesite from farmland. The proposed 148.34 acres are to be divided as follows: Parcel 1, the farmland, with 145.94 acres & Parcel 2, the homesite, with 2.40 acres.

Applicants: Mark & Marlene Bernsen /Dennis & Julie Bernsen

Comments due by: **February 08th, 2024, at 5:00PM**

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 Comment

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV
Date: 01/25/2024 Telephone No.: 442-265-1500 E-mail: antoniovenegas@co.imperial.ca.us

EVATIS:\AIUsers\APN\041\290\002\PM02507\PM02507 Request for Comments 1.25.24.docx