

PROJECT REPORT

TO: PLANNING COMMISSION
FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA DATE: October 25, 2023
AGENDA TIME: 9:00AM / No. 3

Pyramid Construction & Aggregates, Inc.
PROJECT TYPE: Time Extension #23-0008 for CUP #08-0001 SUPERVISOR DIST # 5
LOCATION: 3707 American Girl Road APN: 050-120-009-000
Winterhaven, CA PARCEL SIZE: 640 acres
GENERAL PLAN (existing) Recreation/Open Space GENERAL PLAN (proposed) N/A

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

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 10-25-2023
 APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____
 APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: _____
INITIAL STUDY: _____

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input 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:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT THE PLANNING COMMISSION APPROVE TIME EXTENSION #23-0008 FOR CONDITIONAL USE PERMIT #08-0001 BY TAKING THE FOLLOWING ACTIONS:

1. FIND THAT THE PROJECT IS CATEGORICALLY EXCEPT FROM CEQA UNDER GOVERNMENT CODE SECTION 15301 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. FIND THAT TIME EXTENSION #23-0008 FOR CONDITIONAL USE PERMIT #08-0001 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND,
3. APPROVE TIME EXTENSION #23-0008 FOR CONDITIONAL USE PERMIT #08-0001 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

STAFF REPORT
Planning Commission Meeting
October 25, 2023

Project Name: **American Girl Mine (Commercial Water Well)**
Time Extension (EXT) #23-0008 for CUP #08-0001

Property Owner: **Bureau of Land Management**

Applicant: **Pyramid Construction & Aggregates, Inc.**
839 Dogwood Road
Heber, CA 92249

Project Location:

The project site is located at 3707 American Girl Road, Winterhaven, CA, within Bureau of Land Management administered lands. It is further identified as Assessor's Parcel Number 050-120-009-000 and legally described as Section 25, Township 15 South, Range 20 East of the San Bernardino Base and Meridian (S.B.B.M.) located approximately 12 miles northwest of the unincorporated townsite of Winterhaven of the County of Imperial, State of California.

The subject property is approximately 640 acres whose area is bounded by Ogilby Road (State Route 34) on the West, Sidewinder Road and Interstate 8 (I-8) on the South and by the Cargo Muchacho Mountains on the West (about 15 miles northwest of Yuma, Arizona and 50 miles northeast of El Centro, California), surrounded by vacant desert parcels zoned as S-2 (Open Space/Preservation) on the South, and by Bureau of Land Management administered parcels on the North, East, and West.

Project Summary:

Pyramid Construction & Aggregates, Inc. has submitted a time extension request for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #08-0001 for the existing Commercial Water Well with an allowed annual extraction of (57) fifty seven acre-feet of water for dust suppression and to facilitate the existing mining operations of aggregate materials (sand and gravel) at the American Girl Mine located at 3737 American Girl Road, Winterhaven, CA (APN 050-320-031-000).

Upon approval of Pyramid Construction's time extension request, CUP #08-0001 will be subject to three (3) year time extensions, starting August 27, 2023, and subsequently every three (3) years until August 27, 2038 when a new (15) fifteen-year term will be required. After a thorough review of the project file, compliance report, and water meter

reading photographs, it can be determined that CUP#08-0001 complies with the CUP’s conditions of approval and applicable County Land Use regulations.

Project Background:

- CUP #08-0001 was approved by the Imperial County Planning Commission on August 27, 2008 for a (15) fifteen-year term;
- CUP #08-0001 was recorded on November 3, 2008;
- On July 18, 2023, ICPDS received Pyramid Construction’s time extension request for a new (15) fifteen-year term for Conditional Use Permit (CUP #08-0001);
- On August 1, 2023, ICPDS received Pyramid Construction’s compliance report and water meter reading photos for Conditional Use Permit (CUP #08-0001).

Land Use Analysis:

Per Imperial County’s General Plan, the land use designation for this project is “Recreation/Open Space” and zoned as S-2 (Open Space/Preservation) on BLM-administered lands per Zoning Map #70 of the Imperial County Title 9 Land Use Ordinance. The existing S-2 Zone is compatible with the land use designation as shown on Table 4 of the County’s Land Use Element. Per County’s Land Use Ordinance (Title 9), Division 21-Water Well Regulations, water wells are allowed with an approved Conditional Use Permit (CUP) in an S-2 (Open Space/Preservation) zone. The proposed project is consistent with the County’s General Plan and County’s Land Use Ordinances (Title 9).

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Vacant/Open Desert Space/Water Well	S-2 (Open Space/Preservation) on BLM Lands	Recreation/Open Space
North	Vacant/Open Desert Space	S-2 (Open Space/Preservation) on BLM Lands	Recreation/Open Space
South	Vacant/Open Desert Space	S-2 (Open Space/Preservation)	Recreation/Open Space
East	Vacant/Open Desert Space	S-2 (Open Space/Preservation) on BLM Lands	Recreation/Open Space
West	Vacant/Open Desert Space	S-2 (Open Space/Preservation) on BLM Lands	Recreation/Open Space

Environmental Determination:

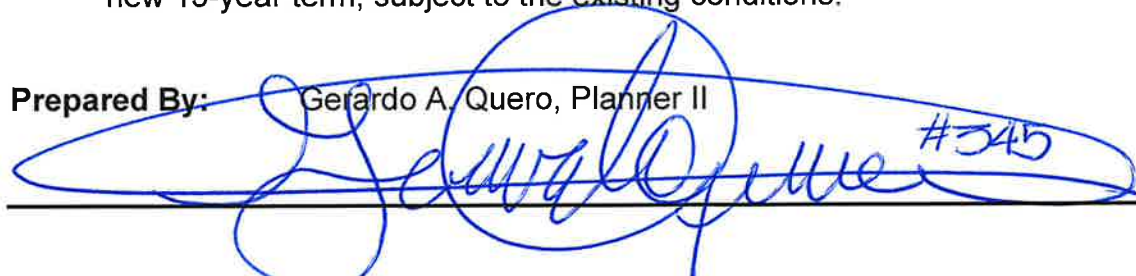
Time Extension #23-0008 is categorically except from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

Staff recommends that the Planning Commission conducts a public hearing and hear all the opponents and proponents of the proposed project, and then take the following actions:

1. Find that the project is categorically except from CEQA under Government Code Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Time Extension #23-0008 for Conditional Use Permit #08-0001 is consistent with applicable zoning and building ordinances; and
3. Approve Time Extension #23-0008 for Conditional Use Permit #08-0001 for a new 15-year term, subject to the existing conditions.

Prepared By: Gerardo A. Quero, Planner II



Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director



Approved By: Jim Minnick, Planning & Development Services Director

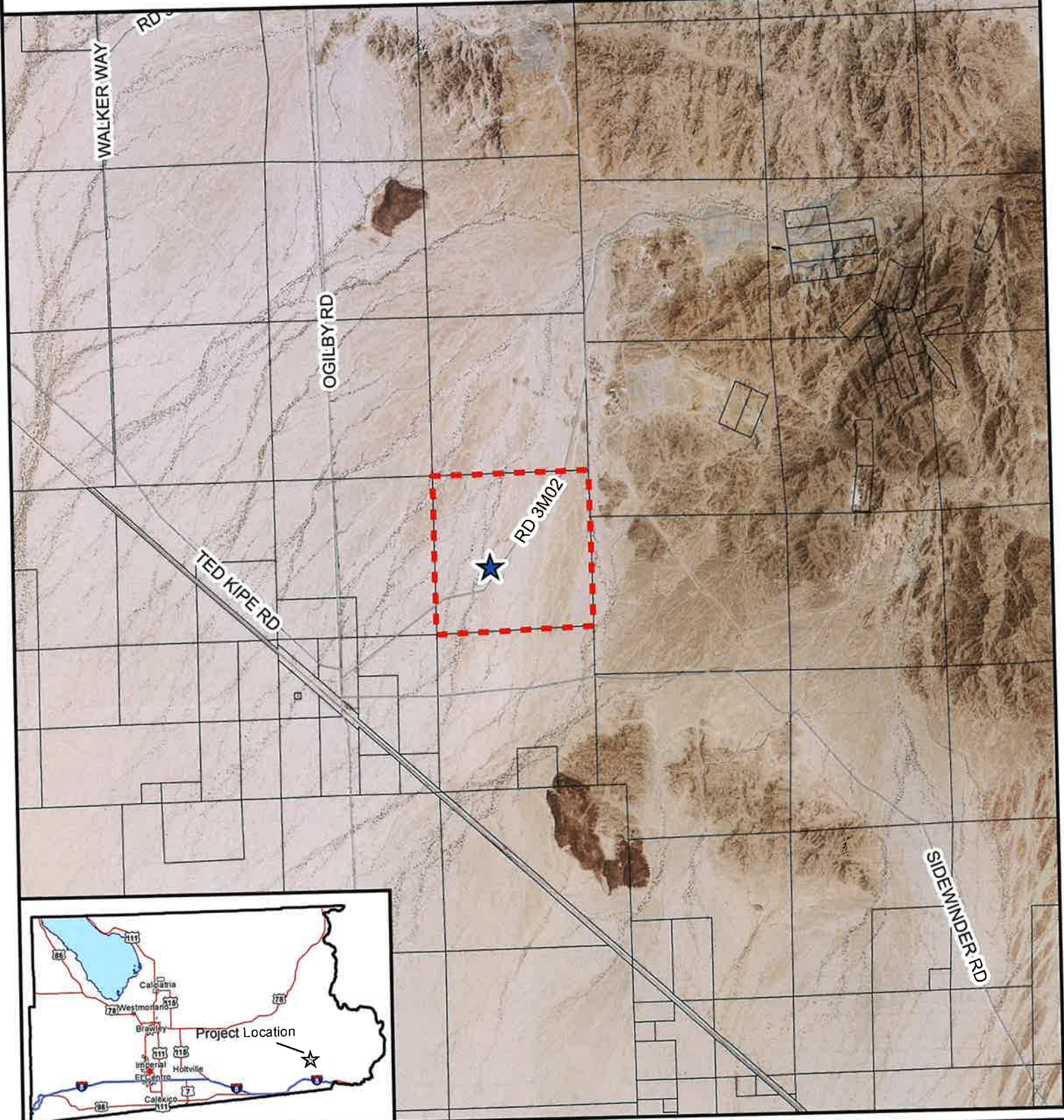


Attachments:


- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolutions
- D. Previously Approved Conditional Use Permit CUP#08-0001
- E. Time Extension Request Documentation
- F. Comment Letters

ATTACHMENT "A" – VICINITY MAP

PROJECT LOCATION MAP



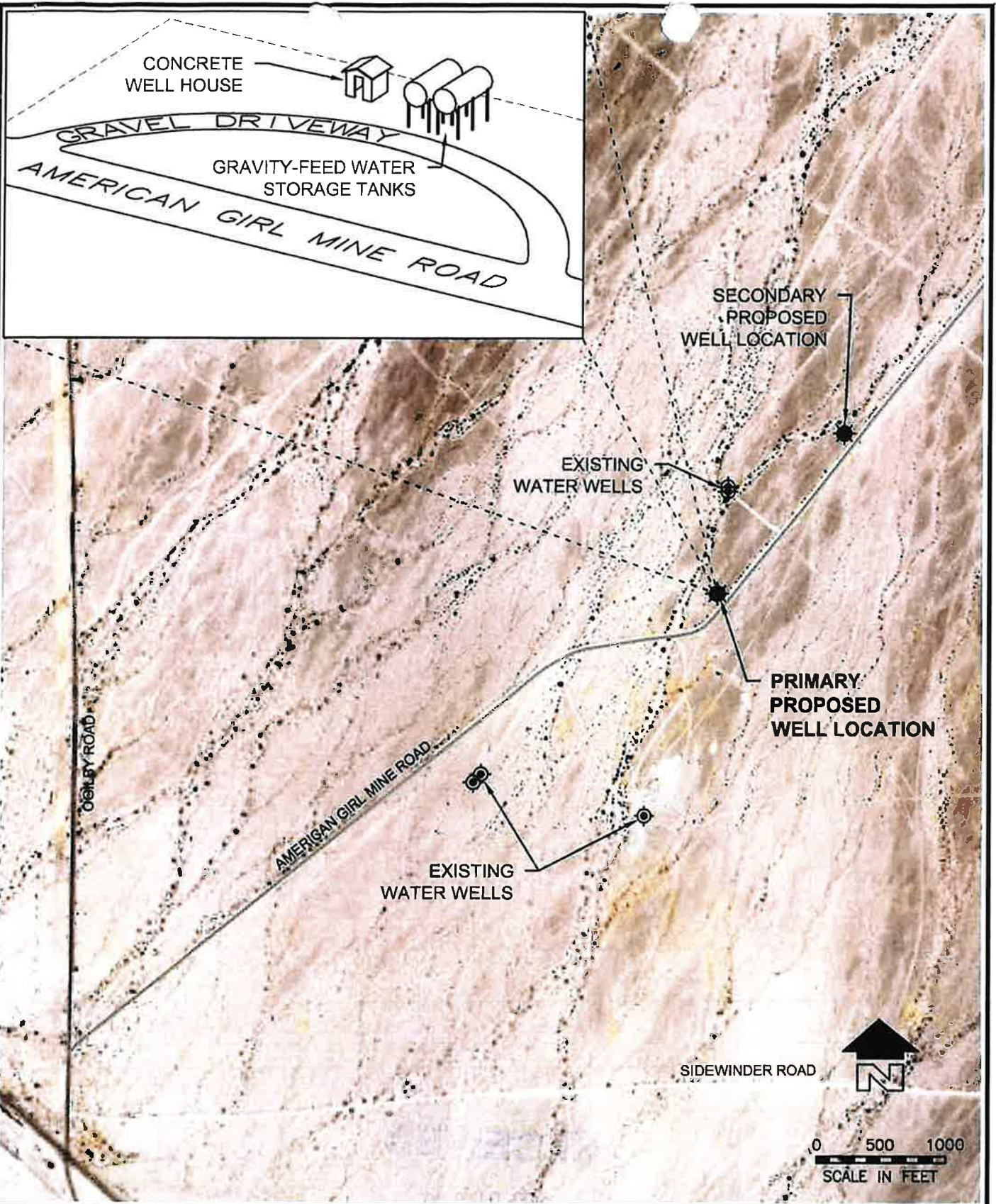
**PYRAMID CONSTRUCTION
& AGGREGATES, INC.
(AMERICAN GIRL MINE - WATER WELL)
EXT #23-0008 FOR CUP #08-0001
APN 050-120-009-000**

 Project Location

 Existing Commercial Water Well



ATTACHMENT "B" – SITE PLAN



DATE	PROJECT NUMBER
APRIL 2008	133384

DETAIL OF WELL SITE

BROWN AND CALDWELL
SAN DIEGO, CALIFORNIA

PROJECT LOCATION PYRAMID CONSTRUCTION & AGGREGATES PROPOSED AMERICAN GIRL OPERATION
APPROX. 3 MILES NE OF OGILBY
IMPERIAL COUNTY, CALIFORNIA

FIGURE
3B

**ATTACHMENT “C” – PLANNING
COMMISSION RESOLUTIONS**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “TIME EXTENSION #23-0008” FOR A NEW (15-YEAR) TERM UNDER “CONDITIONAL USE PERMIT #08-0001” FOR PYRAMID CONSTRUCTION & AGGREGATES, INC.

WHEREAS, Pyramid Construction & Aggregates, Inc. has submitted Time Extension #23-0008 requesting a new 15-year term for an existing Commercial Water Well; and,

WHEREAS, this Commercial Water Well was previously approved under Conditional Use Permit #08-0001; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of 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 CEQA determinations, and adoptions and certifications of CEQA documents; and,

WHEREAS, public notice of said request 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 October 25, 2023; and,

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

SECTION 1. The Planning Commission has considered the proposed Time Extension #23-0008 request for Conditional Use Permit #08-0001 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #08-0001 is adequate and 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.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving Time Extension #23-0008 have been made as follows:

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

The General Plan designates the subject site as “Recreation/Open Space”. This site is zoned S-2 (Open Space/Preservation) on Bureau of Land Management administered lands per Zoning Map #70 of the Imperial County Title 9 Land Use Ordinance. The Time Extension request is found

consistent with the approved Conditional Use Permit #08-0001 and with the goals and policies of the General Plan.

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

The existing Commercial Water Well is consistent with the purpose of the zone it is located within. The existing use is a compatible use through an approved Conditional Use Permit pursuant to Title 9, Division 21, Section 92102.00.01 "Conditional Use Permit" which authorizes a commercial well (large) to supply more than one (1) commercial establishment, or utilizing more than 10 acre-feet of water per year through a Conditional Use Permit when approved by the County. Additionally, Division 21 of the Imperial County Land Use Ordinance regulates water wells. The proposed use is considered compatible with a Conditional Use Permit pursuant to the Water Well Regulation (Land Use Ordinance, Section 92102.00).

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The existing Commercial Water Well is consistent with the definition of Land Use Ordinance, Section 92102.00, with an approved Conditional Use Permit.

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

The existing Commercial Water Well complies with the minimum requirements of this Title and with the applicable laws by obtaining a CUP pursuant to Title 9, Division 2, Section 90203.01 "Conditional Use Permit" which authorizes a commercial water well through an approved Conditional Use Permit by the County. The existing Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Additionally, pursuant to CUP #08-0001, General Condition 8 (Time Limit), a CUP shall be limited to a maximum of three (3) years from the date of recordation. The CUP may be extended for successive three (3) years by the Planning & Development Services Department Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial, and any applicable land use regulations. No CUP shall be extended for more than four (4) consecutive periods by the Planning & Development Services Department. If an extension is necessary beyond fifteen (15) years, the Permittee shall file a written request with the Planning Director at least (60) sixty days prior to the expiration date of the Permit. An extension may not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. Therefore, the existing Conditional Use Permit (CUP #08-0001) meets the minimum requirements of the Land Use Ordinance of Imperial County.

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

The existing Commercial Water Well may utilize up to fifty-seven (57) acre-feet of water per year as established on Specific Condition S-1 from previously approved Conditional Use Permit (CUP #08-0001). This use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

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

The project consists of the request of a new fifteen (15) year term for the existing Conditional Use Permit (CUP #08-0001) which is currently subjected to Federal, State, and Local regulations and will not violate any laws or ordinances.

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

The existing Commercial Water Well complies with the minimum requirements of this Title and with the applicable laws by obtaining a CUP pursuant to Title 9, Division 2, Section 90203.01 "Conditional Use Permit" which authorizes a commercial water well through an approved Conditional Use Permit by the County. The existing Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Additionally, pursuant to CUP #08-0001, General Condition 8 (Time Limit), a CUP shall be limited to a maximum of three (3) years from the date of recordation. The CUP may be extended for successive three (3) years by the Planning & Development Services Department Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial, and any applicable land use regulations. No CUP shall be extended for more than four (4) consecutive periods by the Planning & Development Services Department. If an extension is necessary beyond fifteen (15) years, the Permittee shall file a written request with the Planning Director at least (60) sixty days prior to the expiration date of the Permit. An extension may not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. Therefore, the existing Conditional Use Permit (CUP #08-0001) meets the minimum requirements of the Land Use Ordinance of Imperial County. Therefore, the existing Conditional Use Permit (CUP #08-0001) will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #23-0008 for a new 15-year term under Conditional Use Permit #08-0001, subject to the existing Conditions of Approval.

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 October 25, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

**ATTACHMENT “D” – PREVIOUSLY
APPROVED CUP#08-0001**

Dolores Provencio
County Clerk / Recorder

P Public

When Recorded Return To:

Doc#: 2008-031721

Titles: 1 Pages: 10

Imperial County Planning & Development Services Dep:
801 Main Street
El Centro, California 92243

*Departments
A.A.*



Fees	34.00
Taxes	0.00
Other	0.00
PAID	534.00

**AGREEMENT FOR CONDITIONAL USE PERMIT #08-0001
FOR A COMMERCIAL WATER WELL
(Pyramid Construction and Aggregates, Inc.)**

This Agreement is made and entered into on 9/18/08 by and between Pyramid Construction and Aggregates, Inc., lessee(s) of parcel, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as the 658 acre parcel, located northeast of the Union Pacific Railroad, along American Girl Road in Section 30, of Townsite 15 South and Range 20 East , It is further identified as Assessors' Parcel Number 050-120-009-000.

WHEREAS, Permittee has applied to the County to be allowed to construct, activate and pump a 57 acre feet per year commercial water well to facilitate a sand and gravel operation and dust suppression for a gravel operation in an area commonly known as the "American Girl Mine".

WHEREAS, Pyramid Construction and Aggregates, Inc. and/or any subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit.

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1 **WHEREAS**, County, after a noticed public hearing, agreed to issue Conditional
2 Use Permit #08-0001 to Permittee, and/or his or her successor in interest subject to the
3 following conditions:
4

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

10 **GENERAL CONDITIONS:**

11 **G-1 ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH**
12 **GENERAL LAWS:**

13 The Permittee shall obtain, comply with, and maintain all applicable County,
14 State, and Federal permits, licenses, and/or approvals, including, but not limited
15 to those required by Imperial County Planning & Development Services
16 Department, Air Pollution Control District (APCD), County Division of
17 Environmental Health Services (EHS), and Public Works Department.
18 Additionally, Permittee agrees to comply with all applicable laws, ordinances,
19 and/or regulations promulgated by County, State, and Federal jurisdictions
20 whether specified herein or not. Furthermore, Permittee shall submit a copy of
21 such additional permit(s)/license(s) to the Planning & Development Services
22 Department within thirty (30) days of receipt, including amendments or
23 alterations thereto.

24 **G-2 RECORDATION:**

25 This permit shall not be effective until it is recorded at the Imperial County
26 Recorders Office, and payment of the recordation fee shall be the responsibility
27 of the Permittee. If the Permittee fails to pay the recordation fee within six (6)
28 months of the approval date, this permit shall be deemed null and void.

29 **G-3 INDEMNIFICATION:**

30 Permittee shall defend, indemnify and hold harmless County and its agents,
31 including consultants, officers and employees from any claim, action or
32 proceeding against the County or its agents, including consultants, officers or
33 employees to attack, set aside, void, or annul the approval of this application or
34 adoption of the environmental documents which accompanies it. This
35 indemnification obligation shall include, but not be limited to, damages, costs,
36 expenses, attorneys fees, or expert witness costs that may be asserted by any
37 person or entity, including the Permittee arising out of or in connection with the
38 approval of this application, including any claim for private attorney general fees
39 claimed by or awarded to any party from the County.

G-4 RIGHT OF ENTRY:

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with and access to authorized enforcement agency personnel shall not be denied.

G-5 PROVISION TO RUN WITH THE LAND/PROJECT:

The provisions of this permit are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferor(s) of said project. Permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. In the event that the new owner or assignee or transferor has a history of non-compliance with environmental laws or is not of substantial equivalent or superior financial capability and/or responsibility or is not willing to or has not agreed to in writing to abide by the terms or conditions of this permit, the Planning & Development Services Department shall bring this matter to the Planning Commission for either revocation or modification to the permit.

G-6 CONDITION PRIORITY:

This project shall be constructed/operated as described in the Conditional Use Permit application, site plan, support documentation, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-7 INVALID CONDITIONS/SEVERABILITY:

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

G-8 TIME LIMIT:

Unless otherwise specified within the project's specific conditions this permit/project shall be limited to a maximum of (3) three years from the recordation of the CUP. The CUP may be extended for successive (3) three year period by the Planning & Development Services Director upon a finding by the Planning & Development Services Department that the project is in compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial. Unless otherwise specified herein, no Conditional Use Permit(s) shall be extended for more than (4) four consecutive periods by the Planning & Development Services Department. If an extension is necessary or is requested beyond (15) fifteen years the Permittee shall file a written extension request with the Planning Director at least (60) sixty days prior to the expiration date of the Permit. Such an extension request shall include the appropriate extension fee. If the original approval was granted by the Planning Commission and/or the Board of Supervisors, such an extension shall only be considered by the Planning Commission and/or the Board of

1 Supervisors, after a noticed Public Hearing. Nothing stated or implied within
2 this permit shall constitute a guarantee that an extension shall be granted. An
3 extension may not be granted if the project is in violation of any one or all of the
4 conditions or if there is a history of non-compliance with the permit conditions.

4 **G-9 PERMIT/MONITORING-RELATED FEES:**

5 The Permittee shall pay any and all amounts determined by the County
6 Planning & Development Services Department to defray any and all cost(s) for
7 the review of reports, field investigations, monitoring, and other activities directly
8 related to the enforcement/monitoring for compliance of this Conditional Use
9 Permit, County Ordinance or any other applicable law. All County Departments,
10 directly involved in the monitoring/enforcement of this project may bill Permittee
11 under this provision, however said billing shall only be through and with the
12 approval of the Planning & Development Services Department.

10 **G-10 DEFINITIONS:**

11 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s)
12 and/or conditions or sections herein shall be determined by the Planning
13 Commission of the County of Imperial. Their determination shall be final unless
14 an appeal is made to the Board of Supervisors within ten (10) days from the
15 date of the Commission's decision.

13 **G-11 REVOCATION:**

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

19 **G-12 HEALTH HAZARD:**

20 If the County Health Officer determines that a significant health hazard exists to
21 the public, the Health Officer may require appropriate measures and the
22 Permittee shall implement such measures to mitigate the health hazard. If the
23 hazard to the public is determined to be imminent, such measures may be
24 imposed immediately and may include temporary suspension of operations; the
25 measures imposed by the County Health Officer must be submitted to the
26 Planning Commission for review and approval. Nothing shall prohibit Permittee
27 from requesting a special Planning Commission meeting provided Permittee
28 bears all costs.

PROJECT SPECIFIC CONDITIONS:

- 1
- 2 **S-1** The Conditional Use Permit (CUP) allows the Permittee to draw a maximum of
- 3 fifty seven (57) acre foot of groundwater per year for in-basin use only.
- 4 Exceeding the amount of water specified herein will result in the Planning &
- 5 Development Services Department taking action to rescind the CUP for non-
- 6 compliance.
- 7 **S-2** Water from the well shall not be used, sold, given, exported, or transported
- 8 off basin.
- 9 **S-3** The use of the water well shall be for non-potable use only, i.e. for dust
- 10 control, gravel cleaning and sanitary purposes. The maximum permitted flow
- 11 is to be 57 acre per year by Permittee.
- 12 **S-4** The water shall be used for on-site use(s) only.
- 13 **S-5** If the Planning Commission determines that groundwater management
- 14 activities may be necessary to improve and preserve the quality or quantity
- 15 of groundwater resources or prevent other environmental damage, the
- 16 Commission may recommend to the Board of Supervisors, after notice to the
- 17 public and a public hearing, limitations or suspension of extractions from this well.
- 18 **Title 9: Division 22: Ground Water Ordinance, Chapter 2: 92202.00 (E)**
- 19 **S-6** A flow meter shall be installed and sealed by a California State Licensed Water
- 20 Well Drilling Contractor. Registered user shall submit an annual report to the
- 21 Planning & Development Services Department indicating the yearly amount of
- 22 water extracted from the well. A photograph (dated and signed) of the flow
- 23 meter readings shall be included in the annual report. The report shall be
- 24 received within thirty (30) days following the anniversary date of the issuance of
- 25 this registration. In the event of a flow meter failure, the registered user shall be
- 26 required to cease the water well operation and notify the Planning &
- 27 Development Services Department. The registered user may be allowed to
- 28 temporarily substitute the flow meter for an alternative measuring device, at the
- approval of the Planning & Development Services Department. In this case two
- (2) separate reports shall be submitted as stipulated herein. **(Pursuant to Title 9,**
- Division 22: Groundwater Ordinance 92202.04 Extraction Facility Water Flow**
- Measurements**
- S-7** This permit does not authorize Permittee to "slant drill" under adjoining
- property.
- S-8** Should the water well be "abandoned" at any time for more than 360
- consecutive days, Permittee shall seal/cap the well according to standards set
- by the State and in a manner acceptable to the County Building Official.
- (Abandonment shall mean as follows:

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

8 **S-9** Permittee shall construct the water well at the specific location shown on the
9 site plan. If an alternate location on the property for the water well is desired,
10 Permittee shall submit a revised site plan for review and approval by
11 Environmental Health Services and the Planning & Development Services
12 Department prior to construction of the water well.

13 **S-10** The water well shall be registered with the Planning & Development Services
14 Department to comply with the Imperial County's Groundwater Ordinance (Title
15 9, Division 22) and Water Well Regulations (Title 9, Division 21). The applicant
16 is required to sign the registration form prior to recordation of the CUP.

17 **S-11** Construct a protective barrier (berm) around water well with a fence.

18 **S-12** The permittee shall furnish a Grading and Drainage Study/Plan to provide for
19 property grading and drainage control, which shall also include prevention of
20 sedimentation of damage to off-site properties. The Study/Plan shall be
21 submitted to the Department of Public Works for review and approval. The
22 permittee shall implement the approved plans. Employment of appropriate
23 Storm Water Best Management Practices (BMP's) shall be included. 1

24 **S-13** An encroachment permit shall be secured from the Department of Public Works
25 for any and all new, altered, or unauthorized existing driveways to access the
26 lot. 1

27 **S-14** Water Well Replacement: In the event the proposed water well under this CUP
28 requires replacement, and the CUP is still active and in compliance, said
replacement water well shall be constructed by a California Licensed Driller in
accordance with California Department of Water Resources Bulletin 74-81 and
74-90 (including any subsequent revisions), and with the Imperial County Water
Well Ordinance, Section 92101.00 et seq

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

1. A description of the exact location of the well'
2. A detailed log of the well

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

S-15 The project will require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plans.

1 Department of Public Works letter dated June 17, 2008

1 NOW THEREFORE, County hereby issues Conditional Use Permit #05-0034 and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

5 PERMITTEE

6
7 By: Daryl D. Johnson
8 Pyramid Construction and Aggregates
9 (Permittee)

Date: 9/18/08

10 COUNTY OF IMPERIAL, a political Subdivision of the STATE OF CALIFORNIA

11
12 By: Jurg Heuberger
13 Jurg Heuberger, AICP
14 Planning & Development Services Director

Date: 9/22/08

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Imperial

On 9/19/08 before me, Priscilla Contreras, Notary Public

personally appeared Daryl Dickerson

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



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

WITNESS my hand and official seal.

Signature Priscilla Contreras

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Conditional Use Permit

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of IMPERIAL

On OCTOBER 22, 2008 before me, PATRICIA A. VALENZUELA
Date Here Insert Name and Title of the Officer

personally appeared JURG HEUBERGER
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature Patricia A. Valenzuela
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Conditional Use Permit 08-0001

Document Date: Sept. 18, 2008 Number of Pages: 10

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

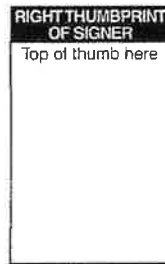
Signer's Name: JURG HEUBERGER Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: DIRECTOR



Signer Is Representing: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

**ATTACHMENT “E” – TIME EXTENSION
REQUEST DOCUMENTATION**



July 05, 2023

Michael Abraham
County of Imperial
Planning & Development Services
836 Main Street
El Centro, CA 92243

Reference: 15-year time extension for conditional use permit (CUP) #08-0001 American Girl Mine Water Well

Dear Mr. Abraham:

Thank you for your letter dated December 13, 2021, granting a three-year extension for Conditional Use Permit (CUP) #08-0001 for the water well located at 3737 American Girl Rd., Winterhaven, CA, identified as APN 050-120-009-000. We appreciate your consideration in this matter and the cooperation of the Imperial County Planning and Development Services.

Pyramid Construction and Aggregates, Inc has fully complied and will continue to comply with the terms, general and specific conditions (listed on next page) of the project as specified in CUP #08-001.

Respectfully, at this time we request that the captioned CUP be extended for an additional 15-year. Please find enclosed \$400.00 CUP extension fee.

If you have any questions, feel free to contact me at (760) 337-5839.

Sincerely,

Diana Valdez
Administrative Assistant

Pyramid Construction – CUP # 08-0001

CUP Renewal

GENERAL CONDITIONS

G-1 ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH GENERAL LAWS

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-1. All licenses and permits required of Pyramid Construction and Aggregates Inc are current and in compliance.

G-2 RECORDATION

Pyramid Construction and Aggregates Inc submitted the required CUP Planning Commission Extension renewal request and \$400 payment on 07/13/2023.

G-3 INDEMNIFICATION

Pyramid Construction and Aggregates Inc. shall defend, indemnify, and hold harmless and release the County, and its agents, including consultants, officers, and employees from any claim, action or proceeding against the County.

G-4 RIGHT OF ENTRY

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-4

G-5 PROVISION TO RUN WITH THE LAND/PROJECT

No change.

G-6 CONDITION PRIORITY

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-6

G-7 INVALID CONDITIONS/SEVERABILITY

N/A

G-8 TIME LIMIT

Pyramid Construction and Aggregates Inc. agrees with G-8 and submitted the required extension request on 07/13/2023 as well as the \$400 fee.

G-9 PERMIT/MONITORING-RELATED FEES

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-9

G-10 DEFINITIONS

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-10

G-11 REVOCATION

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-11

G-12 HEALTH HAZARD

Pyramid Construction and Aggregates Inc. acknowledges and complies with G-12

PROJECT SPECIFIC CONDITIONS

S-1 MAXIMUM ALLOWABLE DRAW

Pyramid Construction and Aggregates Inc. acknowledges and complies with this project specific condition of no more than fifty-seven-acre feet per year.

S-2 SELLING OF EXPORTING WATER

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition. Water is not being sold or exported off basin.

S-3 NON-PORTABLE USE

Pyramid construction and Aggregates Inc. acknowledges and complies with this general condition. The water is being used for dust control, gravel cleaning, and sanitary purposes only.

S-4 ON-SITE USE OF WATER

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition. The water is being used for on-site purposes only.

S-5 GROUNDWATER MANAGEMENT ACTIVITIES

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-6 FLOW METER

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition. A flow meter is installed, and annual reports are being submitted. Please find enclosed 2022 annual report.

S-7 SLANT DRILLING

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-8 ABANDONMENT OF THE DRILL

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-9 CONSTRUCTION OF WATER WELL

N/A

S-10 WATER WELL REGISTRATION

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-11 PROTECTIVE BARRIER

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-12 GRADING AND DRAINAGE STUDY/PLAN

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-13 ENCROACHMENT PERMIT

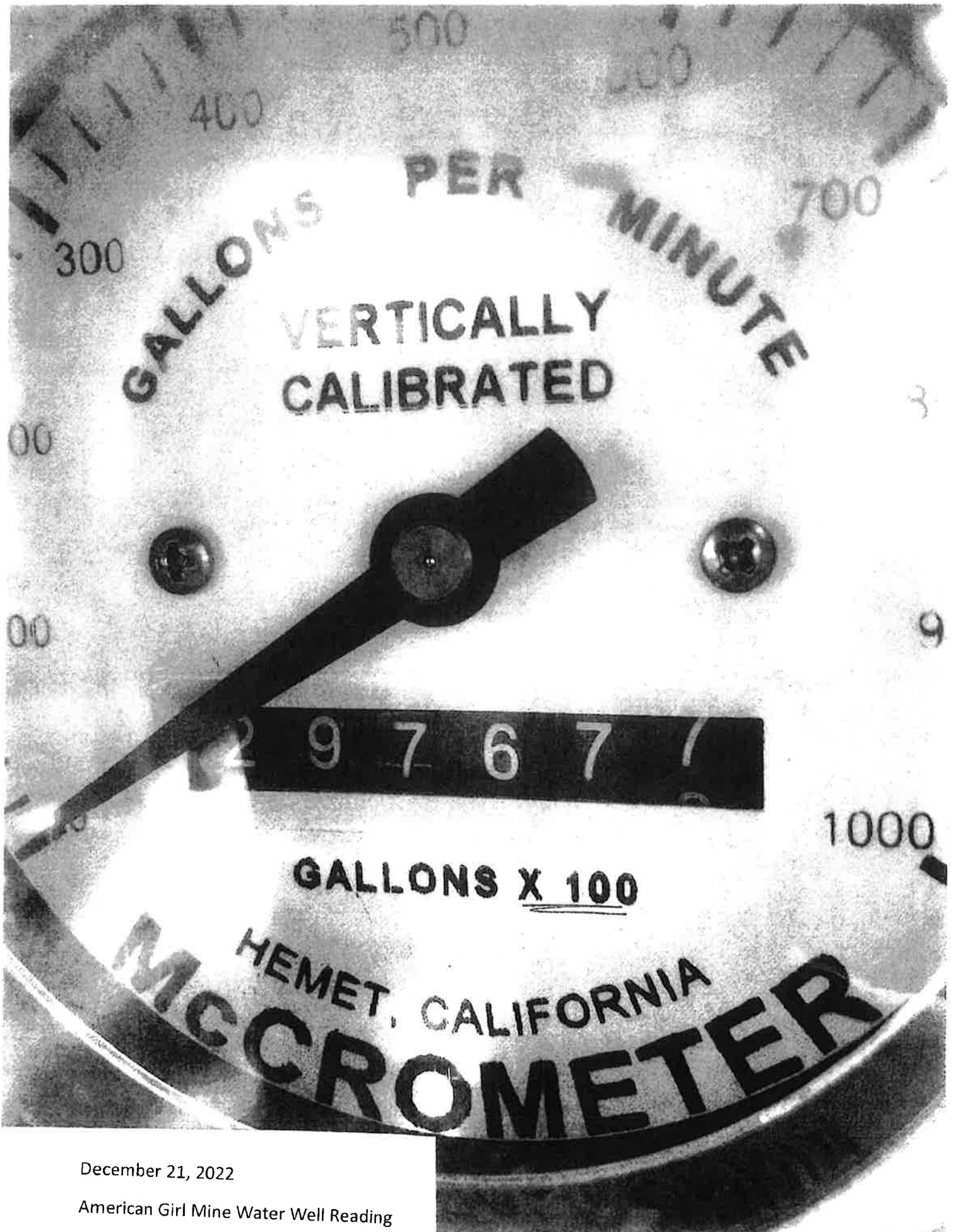
Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

S-14 WATER WELL REPLACEMENT

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.

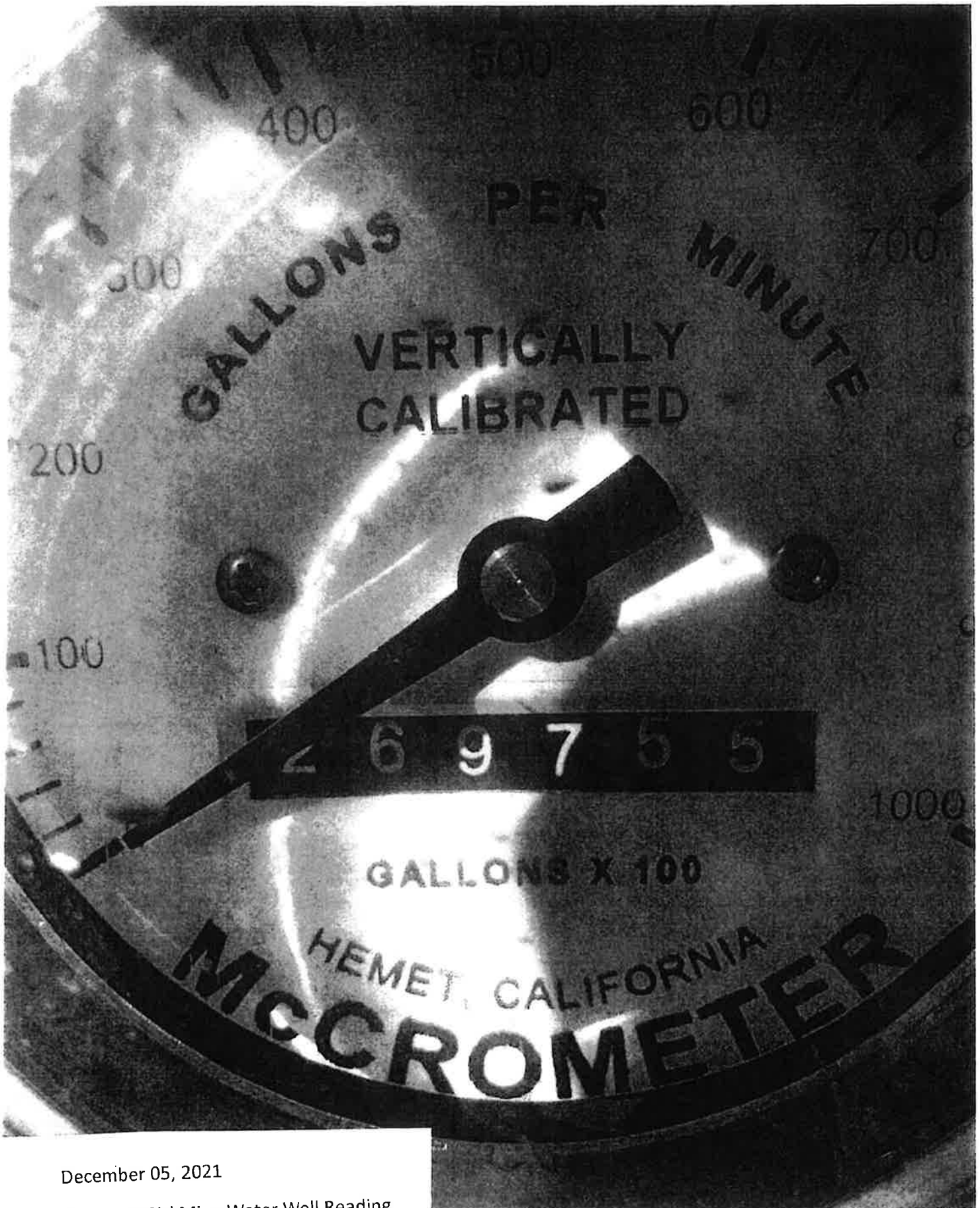
S-15 PERMITS AND NOTICE OF INTENT

Pyramid Construction and Aggregates Inc. acknowledges and complies with this general condition.



December 21, 2022

American Girl Mine Water Well Reading



December 05, 2021

American Girl Mine Water Well Reading

Dolores Provencio
County Clerk / Recorder

P Public

When Recorded Return To:

Doc#: 2008 - 031721

Titles: 1 Pages: 10

Imperial County Planning & Development Services Dept
801 Main Street
El Centro, California 92243

*Departments
A.A.*



Fees 34.00
Taxes 0.00
Other 0.00
PAID \$34.00

**AGREEMENT FOR CONDITIONAL USE PERMIT #08-0001
FOR A COMMERCIAL WATER WELL
(Pyramid Construction and Aggregates, Inc.)**

This Agreement is made and entered into on 9/18/08 by and between Pyramid Construction and Aggregates, Inc., lessee(s) of parcel, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as the 658 acre parcel, located northeast of the Union Pacific Railroad, along American Girl Road in Section 30, of Townsite 15 South and Range 20 East , It is further identified as Assessors' Parcel Number 050-120-009-000.

WHEREAS, Permittee has applied to the County to be allowed to construct, activate and pump a 57 acre feet per year commercial water well to facilitate a sand and gravel operation and dust suppression for a gravel operation in an area commonly known as the "American Girl Mine".

WHEREAS, Pyramid Construction and Aggregates, Inc. and/or any subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit.

1 **WHEREAS**, County, after a noticed public hearing, agreed to issue Conditional
2 Use Permit #08-0001 to Permittee, and/or his or her successor in interest subject to the
3 following conditions:
4

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

10 **GENERAL CONDITIONS:**

11 **G-1 ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH** 12 **GENERAL LAWS:**

13 The Permittee shall obtain, comply with, and maintain all applicable County,
14 State, and Federal permits, licenses, and/or approvals, including, but not limited
15 to those required by Imperial County Planning & Development Services
16 Department, Air Pollution Control District (APCD), County Division of
17 Environmental Health Services (EHS), and Public Works Department.
18 Additionally, Permittee agrees to comply with all applicable laws, ordinances,
19 and/or regulations promulgated by County, State, and Federal jurisdictions
20 whether specified herein or not. Furthermore, Permittee shall submit a copy of
21 such additional permit(s)/license(s) to the Planning & Development Services
22 Department within thirty (30) days of receipt, including amendments or
23 alterations thereto.

24 **G-2 RECORDATION:**

25 This permit shall not be effective until it is recorded at the Imperial County
26 Recorders Office, and payment of the recordation fee shall be the responsibility
27 of the Permittee. If the Permittee fails to pay the recordation fee within six (6)
28 months of the approval date, this permit shall be deemed null and void.

29 **G-3 INDEMNIFICATION:**

30 Permittee shall defend, indemnify and hold harmless County and its agents,
31 including consultants, officers and employees from any claim, action or
32 proceeding against the County or its agents, including consultants, officers or
33 employees to attack, set aside, void, or annul the approval of this application or
34 adoption of the environmental documents which accompanies it. This
35 indemnification obligation shall include, but not be limited to, damages, costs,
36 expenses, attorneys fees, or expert witness costs that may be asserted by any
37 person or entity, including the Permittee arising out of or in connection with the
38 approval of this application, including any claim for private attorney general fees
39 claimed by or awarded to any party from the County.

G-4 RIGHT OF ENTRY:

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with and access to authorized enforcement agency personnel shall not be denied.

G-5 PROVISION TO RUN WITH THE LAND/PROJECT:

The provisions of this permit are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferor(s) of said project. Permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. In the event that the new owner or assignee or transferor has a history of non-compliance with environmental laws or is not of substantial equivalent or superior financial capability and/or responsibility or is not willing to or has not agreed to in writing to abide by the terms or conditions of this permit, the Planning & Development Services Department shall bring this matter to the Planning Commission for either revocation or modification to the permit.

G-6 CONDITION PRIORITY:

This project shall be constructed/operated as described in the Conditional Use Permit application, site plan, support documentation, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-7 INVALID CONDITIONS/SEVERABILITY:

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

G-8 TIME LIMIT:

Unless otherwise specified within the project's specific conditions this permit/project shall be limited to a maximum of (3) three years from the recordation of the CUP. The CUP may be extended for successive (3) three year period by the Planning & Development Services Director upon a finding by the Planning & Development Services Department that the project is in compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial. Unless otherwise specified herein, no Conditional Use Permit(s) shall be extended for more than (4) four consecutive periods by the Planning & Development Services Department. If an extension is necessary or is requested beyond (15) fifteen years the Permittee shall file a written extension request with the Planning Director at least (60) sixty days prior to the expiration date of the Permit. Such an extension request shall include the appropriate extension fee. If the original approval was granted by the Planning Commission and/or the Board of Supervisors, such an extension shall only be considered by the Planning Commission and/or the Board of

1 Supervisors, after a noticed Public Hearing. Nothing stated or implied within
2 this permit shall constitute a guarantee that an extension shall be granted. An
3 extension may not be granted if the project is in violation of any one or all of the
4 conditions or if there is a history of non-compliance with the permit conditions.

4 **G-9 PERMIT/MONITORING-RELATED FEES:**

5 The Permittee shall pay any and all amounts determined by the County
6 Planning & Development Services Department to defray any and all cost(s) for
7 the review of reports, field investigations, monitoring, and other activities directly
8 related to the enforcement/monitoring for compliance of this Conditional Use
9 Permit, County Ordinance or any other applicable law. All County Departments,
10 directly involved in the monitoring/enforcement of this project may bill Permittee
11 under this provision, however said billing shall only be through and with the
12 approval of the Planning & Development Services Department.

13 **G-10 DEFINITIONS:**

14 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s)
15 and/or conditions or sections herein shall be determined by the Planning
16 Commission of the County of Imperial. Their determination shall be final unless
17 an appeal is made to the Board of Supervisors within ten (10) days from the
18 date of the Commission's decision.

19 **G-11 REVOCATION:**

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

G-12 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to
the public, the Health Officer may require appropriate measures and the
Permittee shall implement such measures to mitigate the health hazard. If the
hazard to the public is determined to be imminent, such measures may be
imposed immediately and may include temporary suspension of operations; the
measures imposed by the County Health Officer must be submitted to the
Planning Commission for review and approval. Nothing shall prohibit Permittee
from requesting a special Planning Commission meeting provided Permittee
bears all costs.

PROJECT SPECIFIC CONDITIONS:

- 1
- 2 **S-1** The Conditional Use Permit (CUP) allows the Permittee to draw a maximum of
- 3 fifty seven (57) acre foot of groundwater per year for in-basin use only.
- 4 Exceeding the amount of water specified herein will result in the Planning &
- 5 Development Services Department taking action to rescind the CUP for non-
- 6 compliance.
- 7 **S-2** Water from the well shall not be used, sold, given, exported, or transported
- 8 off basin.
- 9 **S-3** The use of the water well shall be for non-potable use only, i.e. for dust
- 10 control, gravel cleaning and sanitary purposes. The maximum permitted flow
- 11 is to be 57 acre per year by Permittee.
- 12 **S-4** The water shall be used for on-site use(s) only.
- 13 **S-5** If the Planning Commission determines that groundwater management
- 14 activities may be necessary to improve and preserve the quality or quantity
- 15 of groundwater resources or prevent other environmental damage, the
- 16 Commission may recommend to the Board of Supervisors, after notice to the
- 17 public and a public hearing, limitations or suspension of extractions from this well.
- 18 **Title 9: Division 22: Ground Water Ordinance, Chapter 2: 92202.00 (E)**
- 19 **S-6** A flow meter shall be installed and sealed by a California State Licensed Water
- 20 Well Drilling Contractor. Registered user shall submit an annual report to the
- 21 Planning & Development Services Department indicating the yearly amount of
- 22 water extracted from the well. A photograph (dated and signed) of the flow
- 23 meter readings shall be included in the annual report. The report shall be
- 24 received within thirty (30) days following the anniversary date of the issuance of
- 25 this registration. In the event of a flow meter failure, the registered user shall be
- 26 required to cease the water well operation and notify the Planning &
- 27 Development Services Department. The registered user may be allowed to
- 28 temporarily substitute the flow meter for an alternative measuring device, at the
- approval of the Planning & Development Services Department. In this case two
- (2) separate reports shall be submitted as stipulated herein. (Pursuant to Title 9,
- Division 22: Groundwater Ordinance 92202.04 Extraction Facility Water Flow
- Measurements
- S-7** This permit does not authorize Permittee to "slant drill" under adjoining
- property.
- S-8** Should the water well be "abandoned" at any time for more than 360
- consecutive days, Permittee shall seal/cap the well according to standards set
- by the State and in a manner acceptable to the County Building Official.
- (Abandonment shall mean as follows:

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

8 **S-9** Permittee shall construct the water well at the specific location shown on the
9 site plan. If an alternate location on the property for the water well is desired,
10 Permittee shall submit a revised site plan for review and approval by
11 Environmental Health Services and the Planning & Development Services
12 Department prior to construction of the water well.

13 **S-10** The water well shall be registered with the Planning & Development Services
14 Department to comply with the Imperial County's Groundwater Ordinance (Title
15 9, Division 22) and Water Well Regulations (Title 9, Division 21). The applicant
16 is required to sign the registration form prior to recordation of the CUP.

17 **S-11** Construct a protective barrier (berm) around water well with a fence.

18 **S-12** The permittee shall furnish a Grading and Drainage Study/Plan to provide for
19 property grading and drainage control, which shall also include prevention of
20 sedimentation of damage to off-site properties. The Study/Plan shall be
21 submitted to the Department of Public Works for review and approval. The
22 permittee shall implement the approved plans. Employment of appropriate
23 Storm Water Best Management Practices (BMP's) shall be included. 1

24 **S-13** An encroachment permit shall be secured from the Department of Public Works
25 for any and all new, altered, or unauthorized existing driveways to access the
26 lot. 1

27 **S-14** Water Well Replacement: In the event the proposed water well under this CUP
28 requires replacement, and the CUP is still active and in compliance, said
replacement water well shall be constructed by a California Licensed Driller in
accordance with California Department of Water Resources Bulletin 74-81 and
74-90 (including any subsequent revisions), and with the Imperial County Water
Well Ordinance, Section 92101.00 et seq

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

1. A description of the exact location of the well'
2. A detailed log of the well

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

S-15 The project will require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plans.

¹ Department of Public Works letter dated June 17, 2008

1 NOW THEREFORE, County hereby issues Conditional Use Permit #05-0034 and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

5 PERMITTEE

6
7 By: Daryl D. Johnson Date: 9/18/08
8 Pyramid Construction and Aggregates
9 (Permittee)

10 COUNTY OF IMPERIAL, a political Subdivision of the STATE OF CALIFORNIA

11
12 By: Jurg Heuberger Date: 9/22/08
13 Jurg Heuberger, AICP
14 Planning & Development Services Director
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Imperial

On 9/19/08 before me, Priscilla Contreras, Notary Public

personally appeared Darryl Dickerson

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



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

WITNESS my hand and official seal.

Signature Priscilla Contreras

Place Notary Seal Above

OPTIONAL

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Document Date: _____ Number of Pages: _____

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Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of IMPERIAL

On OCTOBER 22, 2008 before me, PATRICIA A. VALENZUELA
Date Here Insert Name and Title of the Officer

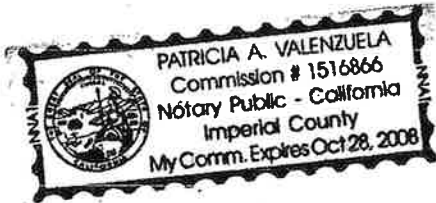
personally appeared JURG HEUBERGER
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature Patricia A. Valenzuela
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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Title or Type of Document: Agreement for Conditional Use Permit 08-0001

Document Date: Sept. 18, 2008 Number of Pages: 10

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: JURG HEUBERGER Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: DIRECTOR



Signer Is Representing: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

ATTACHMENT "F" – COMMENT LETTERS



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

IMPERIAL COUNTY
AIR POLLUTION CONTROL DISTRICT
RECEIVED VIA EMAIL
August 18, 2023

August 18, 2023
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 | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley | <input checked="" type="checkbox"/> City Of Needles – Rainie Torrance |
| <input checked="" type="checkbox"/> Public Works – John Gay/Carlos Yee | <input checked="" type="checkbox"/> Board of Supervisors – John Hawk - District #5 | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/Sal Flores/Robert Malek |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – Rachel Garewal/Margo Sanchez/Ana L Gomez/Jolene Desser/ Sandra Mendivil | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/Alphonso Andrade/Jorge Perez/Vanessa R Ramirez |
| <input checked="" type="checkbox"/> Needles Public Utility Dept. – Cindy Commaire/ Rick Daniels | <input checked="" type="checkbox"/> Campo Band Of Mission Indians - Marcus Cuero/Jonathan Mesa | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen Leon/Jesus Ramirez |

From: Gerardo Quero Planner I - (442) 265-1736 or gerardoquero@co.imperial.ca.us
Project ID: Time Extension#23-0008/Conditional Use Permit#08-0001
Project Location: 3707 American Girl Road, Winterhaven, CA 92283 APN 050-120-009

Project Description: Applicant is requesting a time extension for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #08-0001 for an existing Commercial Water Well with an allowed annual extraction of (57) fifty seven acre-feet of water for dust suppression and to facilitate the existing mining operations of aggregate materials (sand and gravel) at the American Girl Mine located at 3737 American Girl Road, Winterhaven, CA (APN 050-320-031-000).

Applicants: Pyramid Construction & Aggregates, Inc.

Comments due by: **August 28th 2023 at 5:00PM**

RECEIVED

By Imperial County Planning & Development Services at 4:29 pm, Aug 29, 2023

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: Monica N Soucier

Signature: Monica N Soucier

Title: APC Division Manager

Date: 08/29/2023

Telephone No.: (442) 265-1800

E-mail: monicasoucier@co.imperial.ca.us

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