

PROJECT REPORT

TO: PLANNING COMMISSION
FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA DATE: August 14, 2024
AGENDA TIME: 9:00 AM / No. 2

PROJECT TYPE: Bruce Singh (Imperial Valley Compost, LLC.)
Time Extension #23-0016 for CUP #03-0012 SUPERVISOR DIST # 4
LOCATION: 1480 E. Highway 78 APN: 038-240-016-000
Brawley, CA 92227 PARCEL SIZE: 65.59-AC

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A
ZONE (existing) A-3 (Heavy Agriculture) 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: _____
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 #23-0016 FOR CONDITIONAL USE PERMIT #03-0012 BY TAKING THE FOLLOWING ACTIONS:

- FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA UNDER GOVERNMENT CODE SECTION 15301 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
- FIND THAT TIME EXTENSION #23-0016 FOR CONDITIONAL USE PERMIT #03-0012 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND,
- APPROVE TIME EXTENSION #23-0016 FOR CONDITIONAL USE PERMIT #03-0012 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

STAFF REPORT
Planning Commission Meeting
August 14, 2024

Project Name: Time Extension (EXT) #23-0016 for CUP #03-0012

Applicant: Bruce Singh (Imperial Valley Compost, LLC)
1480 E. Highway 78
Brawley, CA 92227

Project Location:

The existing compost facility is located at 1480 E. Highway 78, Brawley, CA, property further identified as Tract 43 Township 13 South Range 15 East 65.59AC, EXC S 425FT, of the San Bernardino Base and Meridian (S.B.B.M.) with Assessor's Parcel Number 038-240-016-000 located in the unincorporated townsite of Brawley (Supervisory District #4) of the County of Imperial, State of California.

The subject property is approximately 65.59 acres, located on 1480 E. Highway 78, bounded by Silliman Rd on the North and Hastin Rd on the East. The proposed project site is zoned A-3 and is surrounded by parcels zoned as A-2-R (General Agricultural/Rural) on the North, A-3 (Heavy Agricultural Area) on the East; A-2 (General Agricultural) on the South and A-2-R (General Agricultural/Rural) & A-2 (General Agricultural) on the West.

Project Summary:

The applicant, Bruce Singh (Imperial Valley Compost, LLC.), has submitted a time extension request for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #03-0012 for the existing composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, not including any structures.

Should the time extension be approved, Conditional Use Permit #03-0012 will be valid for three (3) years and will subsequently require time extension requests every three (3) years until January 9, 2039, when a new (15) fifteen-year term will be required. After a thorough review of the project file, compliance report, and photos from compliance inspections performed on April 17, 2024, it can be determined that CUP #03-0012 complies with the CUP's conditions of approval and applicable County Land Use regulations.

Project Background:

- CUP #03-0012 was approved by the Imperial County Planning Commission on December 10, 2008, for a (15) fifteen-year term.
- CUP #03-0012 was recorded on January 28, 2009.
- On November 06, 2023, ICPDS received from Bruce Singh (Imperial Valley Compost, LLC) a time extension request and a compliance report for a new (15) fifteen-year term for Conditional Use Permit (CUP #03-0012). The applicant submitted Bond Continuation Certificate letter having the \$5,000 Restoration Surety Bond as required per Specific Condition S-7.
- On April 17, 2024, a compliance inspection to the project site was performed. Property was found in compliance, in good conditions, and well maintained.

Land Use Analysis:

Per Imperial County's General Plan, the land use designation for this project is Agricultural and is zoned as A-3 (Heavy Agricultural) per Zoning Map #35 of the Imperial County Title 9 Land Use Ordinance. Per County's Land Use Ordinance (Title 9), Division 5, Section 90509.02, Subsection (p), Composting Facility is allowed in an A-3 (Heavy Agricultural) zone through an approved Conditional Use Permit (CUP). The proposed project is consistent with the County's General Plan, County's Land Use Ordinances (Title 9) and with the heavy agriculture land use.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Compost Facility	A-3 (Heavy Agriculture)	Agriculture
North	Farmland	A-2-R (General Agriculture/Rural)	Agriculture
South	Farmland	A-2 (General Agriculture)	Agriculture
East	Farmland	A-3 (Heavy Agriculture)	Agriculture
West	Farmland	A-2 (General Agriculture) & A-2-R (General Agriculture/Rural)	Agriculture

Environmental Determination:

Time Extension #23-0016 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

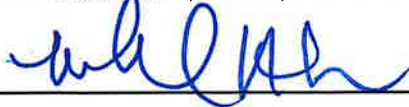
Staff recommends that the Planning Commission conducts a public hearing and hear all the opponents and proponents of the proposed project, and then take the following actions:

1. Find that the project is categorically exempt from CEQA under Government Code Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Time Extension #23-0016 for Conditional Use Permit #03-0012 is consistent with applicable zoning and building ordinances; and
3. Approve Time Extension #23-0016 for Conditional Use Permit #03-0012 for a new 15-year term, subject to the existing conditions.

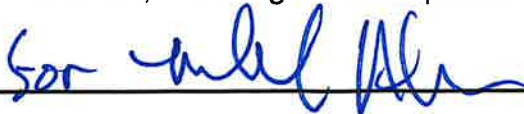
Prepared By: Evelia Jimenez, Planner II



Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director



Approved By: Jim Minnick, Planning & Development Services Director

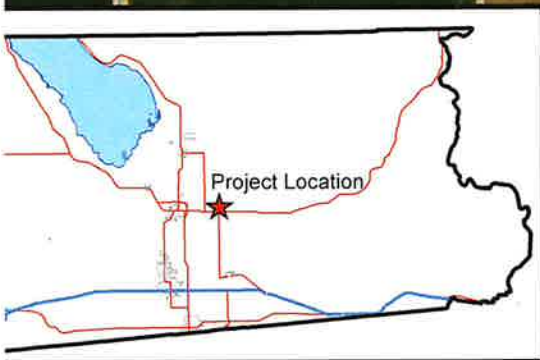
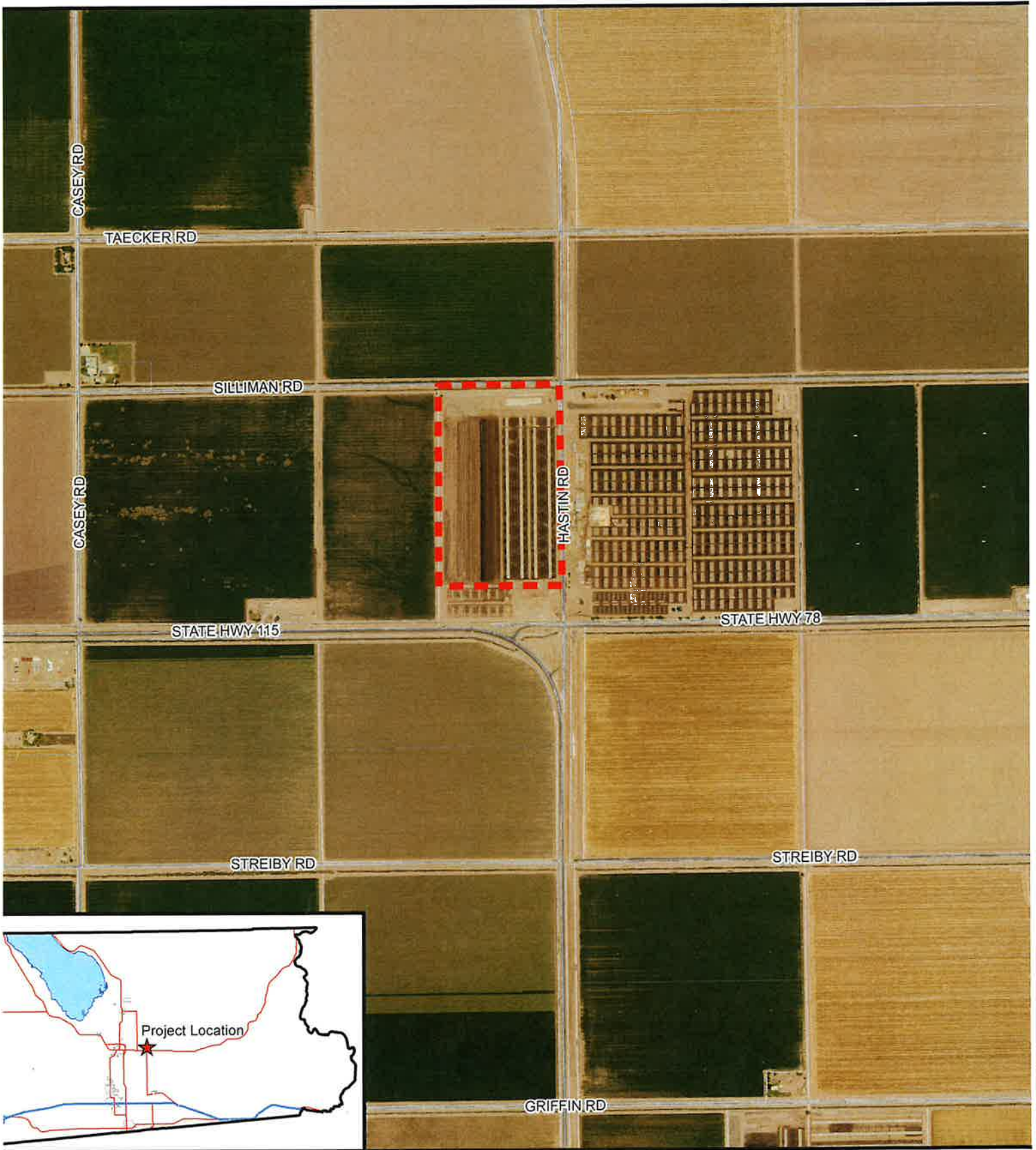


Attachments:

- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. Previously Approved Conditional Use Permit CUP#03-0012
- E. Time Extension Request Documentation
- F. Comment Letters

ATTACHMENT A
Vicinity Map

PROJECT LOCATION MAP



1480 E. HIGHWAY 78
CUP #03-0012, EXT #23-0016
APN 038-240-016-000

-  Parcels selection
-  Centerline
-  Parcels



ATTACHMENT B

Site Plan

NORTH

SILLMAN ROAD
(CENTER LINE)

DRAIN DITCH
(CENTER LINE)

CANAL
(CENTER LINE)

1300'-0"

CANAL
(CENTER LINE)

HASTAIN ROAD
(CENTER LINE)

MESQUITE CATTLE FEEDERS

PROPOSED SITE
25 ACRES

NEW ENTRANCE

40'-0"

COMPOST PILES
(ROWS ARE APPROX. 1,000' LONG)

883' 6"

± .05

15' 0"
BETWEEN ROWS
(TYPICAL)

1231' 4"

50'-0"

50'-0"

50'-0"

GATE 24

GATE 23

ORITA LAT
(CENTER LINE)

INTERSECTION OF
HASTAIN ROAD / HWY 78

EFC ORIGINAL PKG

DUNE SPREADING

SITE PLAN

List Update Authorization here.	Approved By:	DD/MM/YY
	DAVE MCCORMICK	03/05/03
Please Tolerancing Information and other global drawing data here.	Checked:	
	Revision 1	
	Revision 2	
Stock or Material Type	Revision 3	
	Finish Material or Method	
Mold Basing C/D data without consulting supervisor	Revision 4	
	Revision 5	
Sheet Size	Job Number	Rev. Num.
Scale: XX:XX	CAD File: XXXX-XXX	Sheet [X] of [X]



ATTACHMENT C
PC Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “TIME EXTENSION #23-0016” FOR A NEW (15-YEAR) TERM UNDER “CONDITIONAL USE PERMIT #03-0012” FOR BRUCE SINGH (IMPERIAL VALLEY COMPOST, LLC.).

WHEREAS, Bruce Singh (Imperial Valley Compost, LLC.) has submitted Time Extension #23-0016 requesting a new 15-year term for the existing composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, not including any structures; and,

WHEREAS, this existing composting facility using cattle manure and chicken manure, with necessary ancillary equipment, was previously approved under Conditional Use Permit #03-0012; 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 August 14, 2024; 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 #23-0016 request for Conditional Use Permit #03-0012 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #03-0012 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 #23-0016 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 "Agricultural". This site is zoned A-3 (Heavy Agricultural) per Zoning Map #35 of the Imperial County Title 9 Land Use Ordinance. The Time Extension request is found consistent with the previously approved Conditional Use Permit #03-0012 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 Project is consistent with the purpose of the zone it is located within. The existing use is consistent with a Conditional Use Permit pursuant to Title 9, Division 5, Section 90509.02, subsection (p), which authorizes Composting Facility only through a Conditional Use Permit when approved by the County.

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 operation of a composting facility composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, not including any structures is consistent with the definition of Land Use Ordinance, Section 90509.02, subsection (p), 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 operation of an existing composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, complies with the minimum requirements of this Title and with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, Section 90509.02, subsection (p), which authorizes a composting facility only through a Conditional Use Permit when approved 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 #03-0012, General Condition 8 (Time Limit), this project shall be limited to a maximum of three (3) years from the date of recordation of the CUP. The CUP may be extended for successive three (3) year periods by the Planning Director upon finding by the Planning Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation of the County of Imperial. No CUP shall be extended for more than four consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, the Permittee shall file a written extension request at least sixty (60) days prior to the expiration of the Permit. An extension shall 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 #03-0012) 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 operation of a composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, not including any structures will operate as established on previously approved Conditional Use Permit #03-0012. 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 #03-0012) 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 operation of a composting facility using cattle manure and chicken manure, with the necessary ancillary equipment, generally being a staging area and equipment maintenance area, not including any structures complies with the minimum requirements of this Title and with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, Section 90509.02, subsection (p), which authorizes a composting facility only through a Conditional Use Permit when approved 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 #03-0012, General Condition 8 (Time Limit), this project shall be limited to a maximum of three (3) years from the date of recordation of the CUP. The CUP may be extended for successive three (3) year periods by the Planning Director upon finding by the Planning Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation of the County of Imperial. No CUP shall be extended for more than four consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, the Permittee shall file a written extension request at least sixty (60) days prior to the expiration of the Permit. An extension shall not be granted if the project is in violation of any one or all the conditions or if there is a history of non-compliance with the project conditions; therefore, the proposed time extension (EXT #23-0016) for Conditional Use Permit (CUP #03-0012) will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #23-0016 for a new 15-year term under Conditional Use Permit #03-0012, 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 August 14, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

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ATTACHMENT D
Previously Approved
CUP#03-0012

Dolores Provencio
County Clerk / Recorder

When Recorded Return to:

P Public

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

Doc#: 2009-003818

Titles:	1	Pages:	11
Fees		37.00	
Taxes		0.00	
Other		0.00	
PAID		\$37.00	



AMENDMENT
AGREEMENT FOR CONDITIONAL USE PERMIT CUP #03-0012
Approved 12/10/2008 by Planning Commission
 (Composting facility)
Dune Spreading dba Imperial Compost
 (APN: 038-240-016-000)

This Agreement is made and entered into on this January 22, 2009, by and between the Imperial Spreading, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

WHEREAS, Permittee is the owner or successor in interest in certain land in Imperial County known as Tract 43, T 13 S, R 15 E, SBB& M 65.59 acres and further described by the Assessors Parcel number above, and;

WHEREAS, Permittee has applied to the County for permission to construct and operate a Composting Facility, upon the above site, and;

WHEREAS, Permittee will not operate any type of use other than specified herein and within the application, and;

WHEREAS, Permittee intends to operate the facility for its own use, and;

WHEREAS, County, after a review of the project, after a noticed public hearing before the Environmental Evaluation Committee, after a noticed public hearing before the Planning Commission, agreed to issue Conditional Use Permit #03-0012, subject to all of the following conditions:

Agreement was Recorded
on 08-01-2003
PK 222.4 Pg. 1059.

1
2 NOW THEREFORE the County issued the CUP (# 03-0012) subject to all of the
3 following conditions.
4

5 **GENERAL CONDITIONS:**

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

9 **G1 COSTS:**

10 Permittee shall pay any and all amounts as determined by the County to defray all costs
11 for the review of reports, field inspections, enforcement, monitoring, or other activities
12 related to compliance with this permit, County Ordinances, and/or other laws that apply.
13 Any billing against this project, now or in the future, by the Planning & Development
14 Services Department or any County Department for costs incurred as a result of this
15 permit, shall be billed through the Planning/Building Department.

13 **G2 AUDIT OF BILLS**

14 Permittee shall have the right to have any bill audited for clarification or correction. In the
15 event Permittee request an audit or an explanation of any bill, it shall be in writing to the
16 Planning & Development Services Department. Permittee shall bring the account current
17 including any amount due under a "disputed" billing statement, before any audit is
18 performed. If the amount disputed is the result of a Department other than the
19 Planning/Building Department, the explanation or audit shall be performed by said
20 Department and a report provided to both the Permittee and the Planning & Development
21 Services Dept.

19 **G3 PERMITS/LICENSES:**

20 The Permittee shall obtain any and all local, state, and/or federal permits, licenses,
21 contracts, and/or other approvals for the construction and/or operation of this project.
22 This shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works,
23 Sheriff, Regional Water Quality Control Board, Offices of Emergency Services, Division
24 of Mines and Geology, etc. Permittee shall like-wise comply with all such permit
25 requirements for the life of the project. Additionally, Permittee shall submit a copy of any
26 such additional permit, license and/or approval to the Planning Department within 30
27 days of receipt.

24 **G4 RECORDATION:**

25 This permit shall **not be effective** until it is recorded at the Imperial County Recorders
26 Office, and payment of the recordation fee shall be the responsibility of the Permittee. If
27 the Permittee fails to pay the recordation fee within six (6) months from the date of
28 approval, and/or this permit is not recorded within 180 days from the date of approval,
this permit shall be deemed null and void, without notice having to be provided to
Permittee. Permittee may request a written extension by filing such a request with the

1 Planning Director at least 30 days prior to the original 180-day expiration. The Director
2 may approve an extension for a period not to exceed 180 days. An extension may not be
3 granted if the request for an extension is filed after the expiration date.

4 **G5 COMPLIANCE/REVOCAION:**

5 Upon the determination by the Planning & Development Services Department, (if
6 necessary upon consultation with other Departments or Agency (ies)) that the project is
7 or may not be in full compliance with any one or all of the conditions of this Conditional
8 Use Permit, or upon the finding that the project is creating a nuisance as defined by law,
9 the PERMIT and the noted violation(s) shall be brought immediately to the attention of
10 the appropriate enforcement agency or to the Planning Commission for hearing to
11 consider appropriate response including but not limited to the revocation of the CUP or to
12 consider possible amendments to the CUP. The hearing before the Planning
13 Commission shall be held upon due notice having been provided to the Permittee and to
14 the public in accordance with established ordinance/policy

15 **G6 PROVISION TO RUN WITH LAND:**

16 The provision of this project is to run with the land/project and shall bind the current and
17 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
18 Permittee shall not with out prior notification to the Planning & Development Services
19 Department assign, sell, or transfer, or grant control of project or any right or privilege
20 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
21 proposed transfer becoming effective. The permitted use identified herein is limited for
22 use upon this parcel described herein and may not be transferred to another parcel. This
23 shall likewise be applicable if the transfer is between the primary and a subsidiary user.

24 **G7 RIGHT OF ENTRY:**

25 The County reserves the right to enter the premises to make the appropriate
26 inspection(s) and to determine if the condition(s) of this permit are complied with. Access
27 to authorized enforcement agency personnel shall not be denied, by the landowner, the
28 permittee or a subsidiary user.

G8 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be
limited to a maximum of (3) three years from the recordation date of the CUP. The CUP
may be extended for successive three (3) year(s) by the Planning Director upon a finding
by the Planning Department that the project is in full and complete compliance with all
conditions of the CUP and any applicable land use regulation(s) of the County of
Imperial. Unless specified otherwise herein no conditional use permit shall be extended
for more than four consecutive periods. If an extension is necessary or requested
beyond fifteen years, Permittee shall file a written request with the Planning Director for a
hearing before the Planning Commission. Such request shall include the appropriate
extension fee. An extension shall 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.

G9 DEFINITIONS:

In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or
conditions or sections herein shall be determined by the Planning Commission of the
County of Imperial. Their determination shall be final unless an appeal is made to the

1 Board of Supervisors within the required time. In this permit the term Permittee may also
2 apply to any other facility user whether specified by name herein or not.

3 **G10 SPECIFICITY**

4 The issuance of this permit does not authorize the Permittee to construct or operate this
5 project in violation of any state, federal, local law nor beyond the specified boundaries of
6 the project as shown the application/project description/permit, nor shall this permit allow
7 any accessory or ancillary use not specified herein. This permit does not provide any
8 prescriptive right or use to the Permittee for future addition and/or modification to this
9 project. The site specific use authorized by this permit is listed under the SITE SPECIFIC
10 ("S") conditions, and only the use or uses listed shall be deemed as approved by this
11 permit. The Permittee's application and or any support documents supplied by Permittee
12 as part of the application shall not be used to determine allowed use(s).

9 **G11 HEALTH HAZARD:**

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

15 **G12 ENCROACHMENT PERMIT**

16 Permittee shall obtain, as necessary all encroachment permits, or other special traffic
17 safety permits from the Department of Public Works and/or CALTRANS.

18 **G13 REPORT(S)**

19 Permittee shall file an annual report with the Planning & Development Services
20 Department to show that Permittee is in full compliance with this Conditional Use Permit.
21 The report shall be filed within sixty (60) days from the first day of the Calendar year

22 **G14 RESPONSIBLE AGENT**

23 Permittee shall maintain on file with the Planning & Development Services Department
24 the name and phone number of the responsible agent for the site. A backup name shall
25 also be provided, and a phone number for 24-hour emergency contact shall also be on
26 file. If there are other users, the same information (as applicable) required from the
27 Permittee shall also be made available to the County from such other users.

26 **G15 INDEMNIFICATION**

27 At no cost to the County, Permittee and each and every subsidiary user, shall indemnify,
28 and hold harmless the County, the Board of Supervisors and all officers and agents of

1 the County against any and all claims, actions and liabilities arising out of the permitting,
2 construction and/or operation of the project. This indemnity agreement shall be on file
3 with the Planning & Development Services Department prior to recordation of this CUP.
4 Failure to have the agreement on file within 60 days from the date of approval by the
5 Planning Commission shall terminate the approval of this CUP.

6 **G16 CHANGE OF OWNER/OPERATOR**

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

20 **G17 COMPLIANCE WITH ORDINANCE**

21 Permittee is aware of, has been provided a copy of and has agreed to be bound by and
22 maintain compliance with the ordinances of the County of Imperial, generally referred to
23 and contained in Title 9.

24
25
26
27
28
(TOTAL "G" CONDITIONS are 17)

1 Specific Conditions:

2 **S1 PROJECT DESCRIPTION**

3 *This permit authorizes the Permittee to construct and operate a composting facility using*
4 *cattle manure and chicken manure, with the necessary ancillary equipment, generally*
5 *being a staging area and equipment maintenance area, not including any structures.*

6 **S2 ACCESS TO SITE**

7 Access to the site shall be as described in the application and as shown on the
8 assessors plat map, and/or as approved by or through an encroachment permit.

9 **S3 NO TRESPASSING SIGNS**

10 Permittee shall post the site for "No Trespassing" at least every side along the active
11 perimeter of the site

12 **S4 HOURS OF OPERATION**

13 Permittee shall be allowed to operate the site 24 hrs per day, seven days per week.

14 **S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS**

15 This permit authorizes the Permittee to operate the site as described under condition S1
16 with no additional ancillary facilities or uses. This permit shall be considered the primary
17 permit for this site, and if additional Conditional Use Permit(s) are secured for this site,
18 they shall be subservient to this permit at all times.

19 **S6 SUSPENSION OF OPERATIONS**

20 (a) If operation of the facility ceases for a period of twenty four (24) consecutive months,
21 the Permittee shall remove the improvements, all related equipment, and all structures
22 and buildings within 6 months. Permittee may request in writing to the Planning Director
23 a one-time extension; such extension shall be limited to a maximum of one year.

24 **S7 RESTORATION SURETY**

25 Permittee shall file (with the County) surety in the amount of \$5,000, in a form acceptable
26 to County Counsel. Said surety shall be filed within six (6) months of the approval of this
27 CUP, and/or prior to issuance of any construction permit, whichever comes first, and
28 shall guarantee restoration of the land to its condition prior to development.

S8 ENFORCEMENT ACTION

County officials responsible for monitoring and/or enforcing the provisions of this permit
shall issue a notice requiring abatement of a violation of its terms within a reasonable
time as set by ordinance or County policy. As an example, responsible County officials
may issue a citation and/or cease-and-desist order for repeated violation until such
violations are abated. Under specific Violations County may order the facility to cease
operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be
against the Permittee, even if the violation is caused by another party using the tower. It

1 shall be the responsibility of Permittee to assure that this composting operation is
2 operated in compliance with all terms and conditions of the CUP.

3 **S9 LIGHT & GLARE**

4 Permittee is allowed to have security as well as operational lighting. Said lighting shall be
5 shielded and direct to on site areas to minimize off site interference from unacceptable
6 levels of light or glare.

7 **S10 CONFLICTING PERMIT CONDITIONS**

8 In the event that there is a conflict between the condition of this permit and any other
9 permit, the most stringent condition shall govern.

10 **S11 MINOR ADMINISTRATIVE MODIFICATION**

11 The Planning Director shall have the authority to make interpretations, issue
12 administrative decisions and provide directions that while not modifying the intent of any
13 condition will allow for problem resolution at an administrative level. Both Director and/or
14 Permittee have the right to defer such issues to the Planning Commission. However in no
15 event shall any decision regarding this permit be brought to the Board of Supervisors
16 without first having been brought to the Commission.

17 **S12 LATEST CODES GOVERN**

18 All on site structures shall be designed and built to meet the latest edition of the
19 applicable codes.

20 **S13 ENVIRONMENTAL SITE CONTROL**

21 Permittee shall, in order to reduce dust, and/or other emissions meet all requirements of the
22 Air Pollution Control District (APCD) and submit to the County Planning & Development
23 Services Department copies of all permits, citations, orders, etc., received and/or sent to
24 the APCD. Additionally, Permittee shall, in order to reduce dust, and/or emissions meet all
25 requirements of the Public Works Department (PW) and submit to the County Planning &
26 Development Services Department copies of all permits, citations, order, etc., received
27 and/or sent to Public Works Department. If the site creates objectionable odors permittee
28 shall use best efforts to reduce the odor within 48 hours or shut down operations if odors
cannot be controlled. In accordance with Section 17856, Title 14, California Code of
Regulations requires the preparation and implementation of an Odor Abatement Plan if it
is determined by the Division of Environmental Health that the operation has violated in
the requirements for odor impact of section 17867, T14CCR. If an Odor Abatement Plan
is required, the operator shall prepare and implement the Plan in accordance with section
17863.4, T14CCR.

S14 FIRE PROTECTION

Permittee shall provide an adequate fire protection system, and equipment accessible to
all of the site facilities in accordance with the National Fire Protection Act (NFPA), the
Uniform Fire Code 1997 edition or later; and the Imperial County Fire Department rules
and regulations and requirements. In addition, the permittee shall submit a fire protection
plan for review and approval by the Imperial County Fire Department.

1 **S15 PARKING**

2 Permittee shall provide a parking plan for review and approval by the Department of
3 Public Works, and Air Pollution Control District. All parking areas for employee vehicles,
4 visitors and heavy equipment used at the site including trucking shall be surfaced to meet
APCD and Public Works standards.

5 **S16 WASTE DISPOSAL**

6 No waste shall be disposed at a County Landfill without prior written approval from Public
7 Works. Permittee shall maintain and contract with a local sanitation firm to remove all
municipal solid waste generated at the site.

8 **S17 RIGHT OF WAY**

9 Hastain Road is classified as a Minor Collector requiring sixty (70) feet of right of way,
10 being seventy (35) feet from existing road centerline. It is therefore requested that
sufficient right-of-way be provided to meet this road classification.¹

11 Sillman Road is classified as a Local County road requiring sixty (60) feet of right-of-way,
12 being thirty (30) feet from existing road centerline. It is therefore requested that sufficient
right-of-way be provided along applicant's property to yield thirty (30) feet from the existing
road centerline.

13 **S18 GRADING AND DRAINING**

14 The applicant shall furnish a Grading and Drainage Study/Plan to provide for property
15 grading and erosion control, which shall also include prevention or sedimentation or
16 damage to off-site properties. The Study/Plan shall be submitted to the Department of
Public Works for review and approval. The applicant shall implement the approved
plans. Employment of appropriate Storm Water Best Management Practices (BMP's).¹

17 **S19 IMPROVEMENTS TO DRIVEWAY OF FACILITY**

18 The applicant shall make improvements to entrance and driveway as to county standards
19 and shall be submitted to the Department of Public Works for review and approval.

20 (TOTAL "S" CONDITIONS are 18)

21 *Reminder intentionally left blank*

22 ¹ Public Works letter

23 ² As per Planning Commission

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NOW THEREFORE, County hereby issues amended Conditional Use Permit #03-0012, and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

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

Permittee

 _____ 1/22/09
Owner/Operator Date
Dunes Spreading dba Imperial Compost
BRUCE SINGH

COUNTY OF IMPERIAL, a political Sub-division of the STATE OF CALIFORNIA

By:  _____ 1/22/09
Jurg Heubergger, AICP Date
Planning & Development Services Director

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STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On JANUARY 22 2009 before me,
PATRICIA A. VALENZUELA a Notary Public in and for
said Imperial County and California State, personally appeared
BRUCE SINGH, 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 know ledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that be 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

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

Title or Type of Document Conditional Use Permit
Number of Pages 11 Date of Document Jan. 22, 2009
Signer(s) Other Than Named Above _____



1 STATE OF CALIFORNIA
2 COUNTY OF IMPERIAL } S.S.

3 On JANUARY 22, 2009 before me,
4 said PATRICIA A VALENZUELA County and State, personally appeared
5 JURG HEUBERGER, who provey to me on the
6 basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
7 within instrument and know ledged to me that he/she/they executed the same in
8 his/her/their authorized capacity(ies), and that be his/her/their signature(s) on the
9 instrument the person(s), or the entity upon behalf of which the person(s) acted,
10 executed the instrument.

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

13 WITNESS my hand and official seal

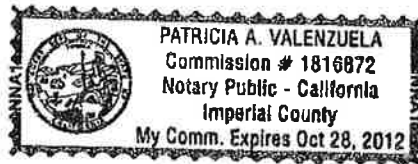
14 Signature Patricia A. Valenzuela

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

17 Title or Type of Document Conditional Use Permit

18 Number of Pages 11 Date of Document Jan 22, 2009

19 Signer(s) Other Than Named Above _____



ATTACHMENT E
Time Extension Request

Imperial Valley Compost LLC
PO Box 504
Brawley California 92227
760 351-1900

RECEIVED

NOV 06 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

November 6, 2023

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

Regarding: Mesquite CUP #03-0012

Dear Sirs

As per the Conditional Use Permit, we are requesting a fifteen year re-entitlement for CUP #03-0012.

Imperial Valley Compost LLC is submitting required fees with our request.

Best Regards,



Bruce Singh
Imperial Valley Compost LLC
760 427-4526

Imperial Valley Compost LLC
PO Box 504
Brawley CA 92227
760 351-1900

RECEIVED

NOV 06 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

January 23, 2023

Imperial County Planning and Development Services
801 Main Street
El Centro CA 92243

Regarding: Mesquite CUP #03-0012
Annual Report for Imperial Valley Compost LLC

This is to notify that we have been following the General Conditions and the specific site conditions. I will review each General and Specific Site Conditions.

G-1	Cost	Will continue to pay all amounts
G-2	Audit of Bills	Maintain right to audit for clarification or correction
G-3	Permits/Licenses	Will maintain any permits or licenses that is required by Federal, State, County and City
G-4	Recordation	Shall remit in timely fashion
G-5	Compliance/Revocation	Will abide by all necessary departments or agencies to maintain Compliance
G-6	Provisions to run with land	There are no plans of transfer or sale
G-7	Right of entry	Will maintain that county may enter premises to inspect
G-8	Time limit	As per extension
G-9	Definitions	It is understood determinations are to be made by the Planning Commission and shall be final unless appealed in a timely manner to the Board of Supervisors
G-10	Specificity	Company will maintain this project as stated in its original Application for the CUP
G-11	Health Hazard	Will abide by Health Department of Officer to implement Measures to mitigate any hazard
G-12	Encroachment permit	No encroachment permit required, per Gordon Starnes
G-13	Repot	As being submitted
G-14	Responsible Agent	Bruce Singh 460 427-4526 Kari Singh 760 351-1900
G-15	Indemnification	Shall continue as per agreement to indemnify and hold harmless the county, the Board of Supervisors and all officers and agents of the county against any and all claims
G-16	Change of owner	No change of owner or operator
G-17	Compliance with ordinance	Agrees to maintain compliance as referred to and contained in Title 9
G-18	Responsible Agent	Remains the same: Bruce Singh 760 351-1900 760 427-4526
G-19	Reports	As stated

G-20	Commencement of Work	Understood that all must be in compliance
G-21	Fire protection	All access to site and system in place
G-22	Insurance	All insurance in place
G-23	Encroachment Permit	Currently no permits required
G-24	Compliance w/ordinance	Permittee is aware and will comply with ordinances
S-1	Project Description	No change
S-2	Access to site	Remains as was stated in application
S-3	No trespassing signs	Signage in place
S-4	Hours of Operations	Hours remain the same
S-5	Ancillary Users & Additional Land use permits	No other CUP is needed at this time
S-6	Suspension of operation	Shall continue to operate
S-7	Restoration Surety	Surety Bond is in force
S-8	Enforcement Action	Shall abide with all conditions
S-9	Light & Glare	Not required
S-10	Conflicting Permit Conditions	Shall comply with any permitting
S-11	Minor Administrative Modification	Understand the modification process
S-12	Fire Protection	Incompliance as required
S-13	Air pollution Control	Permit is in place
S-14	Public Works Dept	All conditions are met with public works
S-15	Environmental Health Services	All conditions are met with EHS
S-16	Imperial Irrigation District	All conditions are met with IID

B. S. I.
11/6/23

ATTACHMENT F
Comment Letter

AIR POLLUTION CONTROL DISTRICT



June 13, 2024

RECEIVED

By Imperial County Planning & Development Services at 2:53 pm, Jun 17, 2024

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

SUBJECT: Time Extension 23-0016 for Conditional Use Permit 03-0012 – Imperial Valley Compost LLC – Bruce Singh

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Time Extension (EXT) 23-0016 (Project). The Project would allow for a fifteen (15) year time extension for Conditional Use Permit (CUP) 03-0012, which allows the compost operation located at 1480 E Highway 78, Brawley also identified as Assessor's Parcel Number 033-360-018.

Upon reviewing its records, the Air District identified the applicant maintains permit #4264 active for the composting operation at this location. The Air District concludes that maintaining the active permits supports the applicant's compliance with section G3 PERMITS/LICENSES of the CUP with respect to the Air District. The Air District simply reminds the applicant that the project must comply with all Air District Rules and Regulations as well as all Permit Conditions. The Air District would emphasize Regulation VIII-Fugitive Dust Rules, which is a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

Should the CUP be amended or updated the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found online for your review at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator II



Monica N. Soucier
APC Division Manager