

PROJECT REPORT

TO: PLANNING COMMISSION
FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA DATE: July 10, 2024
AGENDA TIME: 9:00 AM / No. 3

PROJECT TYPE: Alfredo Olivas (Tops Propane, Inc.)
Time Extension #23-0017 for CUP #06-0001 SUPERVISOR DIST # 4

LOCATION: 2175 Sunrise Drive APN: 014-041-009-000

Salton City, CA 92274 PARCEL SIZE: 1.08-AC

GENERAL PLAN (existing) West Shores/Salton City Urban Area Plan GENERAL PLAN (proposed) N/A

ZONE (existing) M-1 (Light Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 07-10-2024

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 type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" 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 #23-0017 FOR CONDITIONAL USE PERMIT #06-0001 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 #23-0017 FOR CONDITIONAL USE PERMIT #06-0001 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND,
3. APPROVE TIME EXTENSION #23-0017 FOR CONDITIONAL USE PERMIT #06-0001 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

Planning & Development Services

801 MAIN ST., EL CENTRO, CA, 92243 760-482-4236

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STAFF REPORT
Planning Commission Meeting
July 10, 2024

Project Name: **Time Extension (EXT) #23-0017 for CUP #06-0001**

Applicant: **Alfredo Olivas (Tops Propane, Inc.)**
 31300 Northwood Road
 Desert Hot Springs, CA 92241

Project Location:

The existing project is located at 2175 Sunrise Drive, Salton City, CA, within the West Shores/Salton City Urban Area Plan. The subject property is further identified as Lot 14, Block 11 of Tract 570, Final Map 5-30, Townsite 10 South, Range 10 East, of the San Bernardino Base and Meridian (S.B.B.M.) with Assessor's Parcel Number 014-041-009-000 located in the unincorporated townsite of Salton City (Supervisory District #4) of the County of Imperial, State of California.

The subject property is approximately 1.08 acres, located on Sunrise Drive, bounded by Bel Air and Cleveland Avenues on the North and East. The proposed project site is surrounded by parcels zoned as M-1 (Light Industrial), M-2 (Medium Industrial) and S-1 (Open Space/Recreation) on the North and West and by parcels zoned as M-1 (Light Industrial) and R-4 (Mobile Home Park Zone/High Density Residential) on the South and East.

Project Summary:

The applicant, Alfredo Olivas (Tops Propane, Inc.), has submitted a time extension request for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #06-0001 to bring into compliance an existing propane tank storage and distribution facility which includes an 18,000-gallon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers within the West Shores/Salton City area.

Should the time extension be approved, Conditional Use Permit #06-0001 will be subject to three (3) year time extensions, and subsequently every three (3) years until April 25, 2036, 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 December 6, 2023, and June 6, 2024, it can be determined that CUP #06-0001 complies with the CUP's conditions of approval and applicable County Land Use regulations.

Project Background:

- CUP #06-0001 was approved by the Imperial County Planning Commission on April 12, 2006, for a (15) fifteen-year term.
- CUP #06-0001 was recorded on April 25, 2006.
- On November 13, 2023, ICPDS received from Alfredo Olivas (Tops Propane, Inc.) a time extension request and a compliance report for a new (15) fifteen-year term for Conditional Use Permit (CUP #06-0001). Applicant stated that Tops Propane, Inc. was in the process of obtaining a \$50,000 Removal/Surety Bond as required per Specific Condition S-9.
- On December 6, 2023, a compliance inspection to the project site was performed. Property was found in compliance, in good conditions, and well maintained.
- On June 6, 2024, a second compliance inspection to the project site was performed. Property was found in compliance, in good conditions, clean, and well-maintained.
- On June 6, 2024, a draft \$50,000 removal/surety bond for Tops Propane, Inc. was submitted to County Counsel for review.

Land Use Analysis:

Per Imperial County's General Plan, the land use designation for this project is West Shores/Salton City Urban Area Plan and is zoned as M-1 (Light Industrial) per Zoning Map #64 of the Imperial County Title 9 Land Use Ordinance. Per County's Land Use Ordinance (Title 9), Division 5, Section 90515.02, Subsection (k), bulk fuel storage facilities are allowed in an M-1 (Light Industrial) 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 West Shores/Salton City Urban Area Plan.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Propane Storage & Distribution Facility	M-1 (Light Industrial)	Community Area
North	Vacant	M-1 (Light Industrial) & M-2 (Medium Industrial)	Community Area
South	Vacant	M-1 (Light Industrial) & R-4 (Mobile Home Park Zone/High Density Residential)	Community Area
East	Vacant	R-4 (Mobile Home Park Zone/High Density Residential)	Community Area
West	Vacant/Open Desert Space	M-1 (Light Industrial)/S-1 (Open Space/Recreation)	Community Area

Environmental Determination:

Time Extension #23-0017 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 #23-0017 for Conditional Use Permit #06-0001 is consistent with applicable zoning and building ordinances; and
3. Approve Time Extension #23-0017 for Conditional Use Permit #06-0001 for a new 15-year term, subject to the existing conditions.

Prepared By:

Gerardo A. Quero, Planner II

#345

Reviewed By:

Michael Abraham, AICP, ICRDS Assistant Director

Approved By:

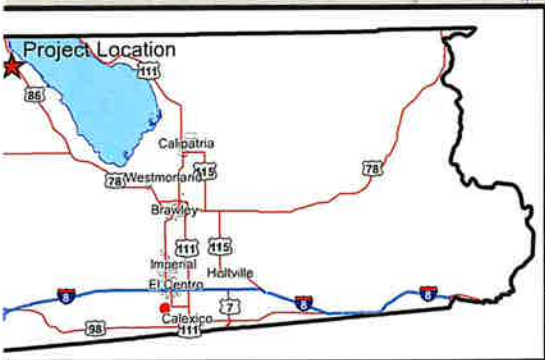
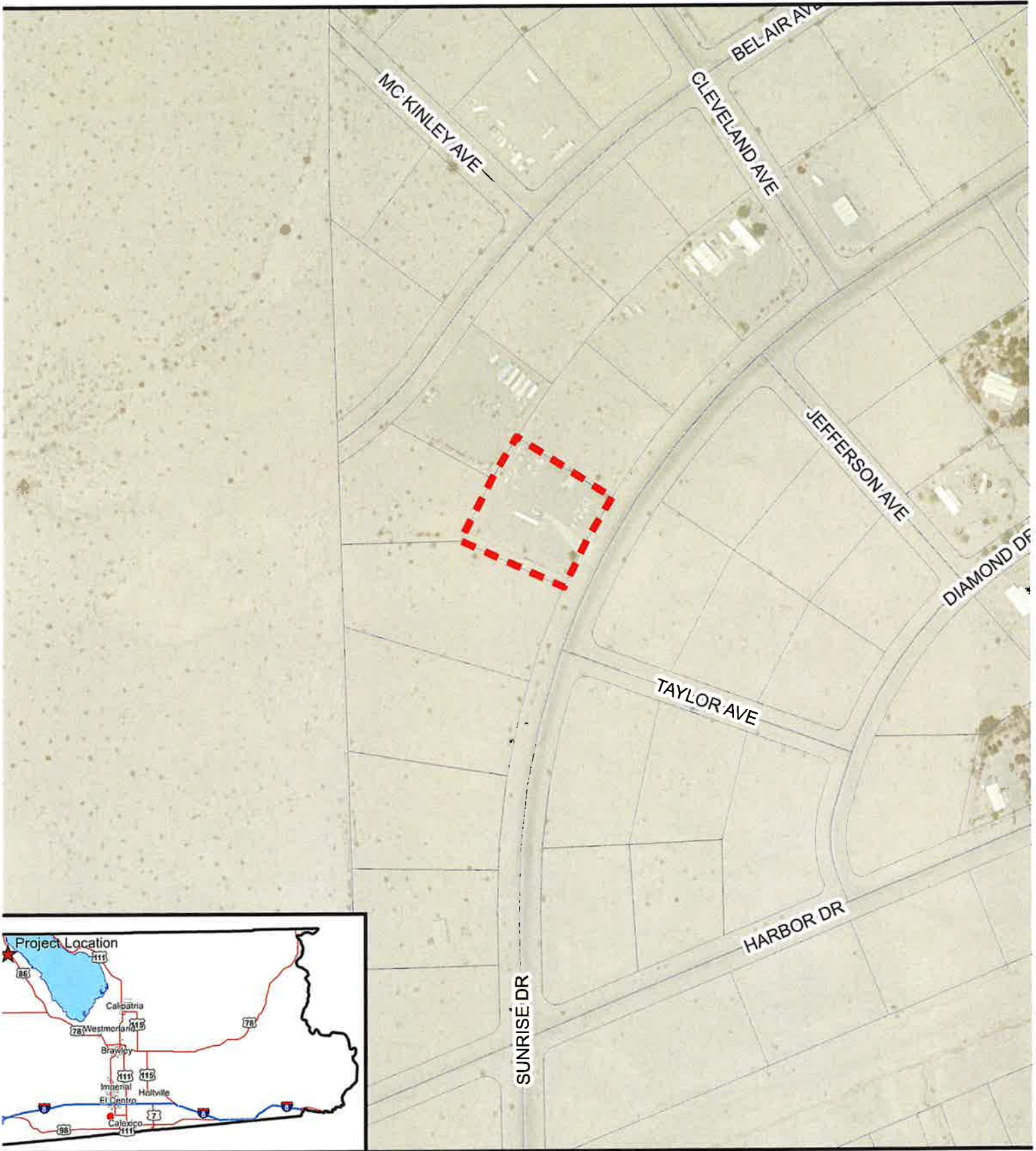
Jim Minnick, Planning & Development Services Director

Attachments:




- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. Previously Approved Conditional Use Permit CUP#06-0001
- E. Time Extension Request Documentation
- F. Comment Letters

**ATTACHMENT “A”
VICINITY MAP**

PROJECT LOCATION MAP

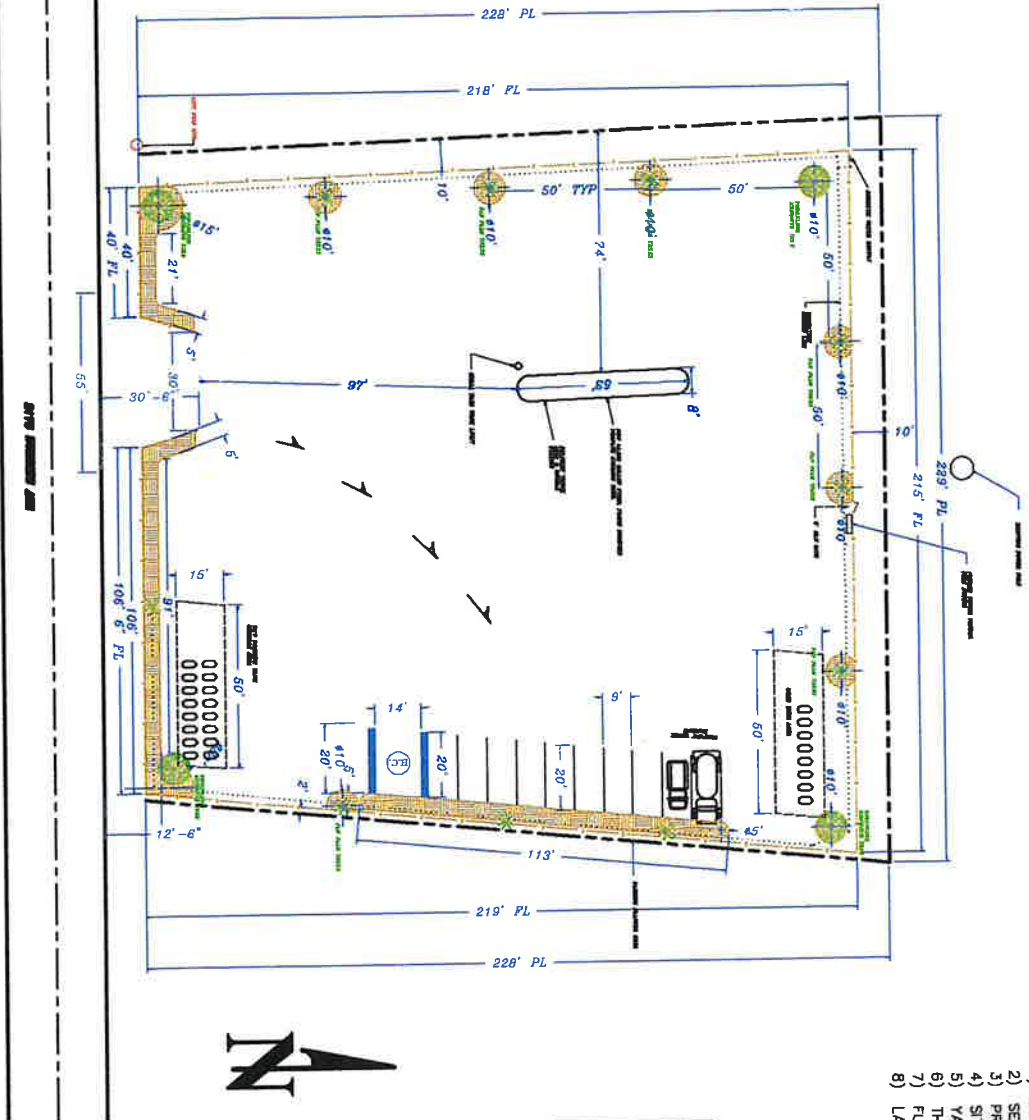


ALFREDO OLIVAS
(TOPS PROPANE, INC.)
EXT#23-0017 FOR CUP#06-0001
APN 014-041-009-000

-  Project Location
-  Parcels
-  Centerline



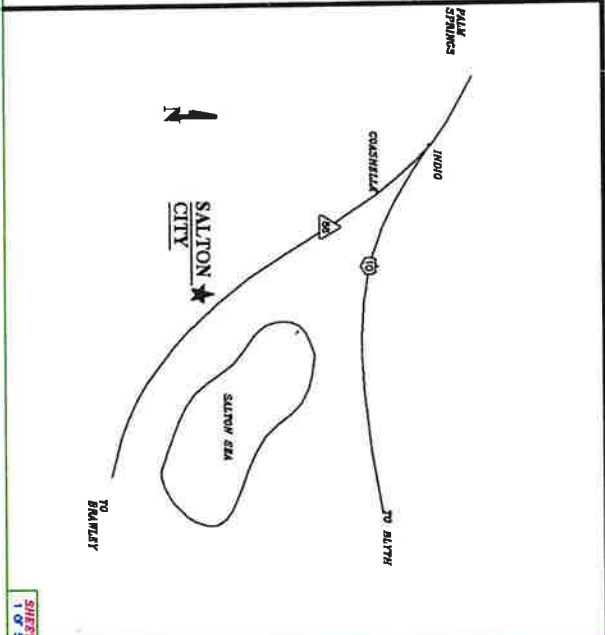
ATTACHMENT “B”
SITE PLAN



GENERAL NOTES:

- 1) PROPOSED LOCATION IS DESIGNED FOR PROPANE STORAGE AND FUELING.
- 2) SEE GENERAL NOTES PROVIDED IN PROPOSED PROJECT SPECIFIC USE OF PROPERTY
- 3) PROPOSED SITE IS NOT OPEN TO THE PUBLIC, AUTHORIZED PERSONNEL ONLY.
- 4) SITE WILL BE LOCKED AND SECURE DURING OFF WORK HOURS
- 5) YARD SURFACE IS COMPACTED SAND (SEE NOTES)
- 6) THERE IS NO PERMANENT STRUCTURE ON SITE.
- 7) FUTURE ELECTRICAL IS PROPOSED (SEE NOTES)
- 8) LANDSCAPING DETAIL (SEE NOTES)

SITE & ZONE: 1.2 ACRES / M-1
 PROJECT ADDRESS: LOT 14, TRACT 870, BLOCK 11
 ASSESSORS PARCEL NO.: 014-041-08-01
 OWNER: TOPS PROPANE (w/ Oliver)
 PHONE No.: 710-342-8700



SHEET
 1 OF 5
 DRAWING NO.:
 3687

M E C MEEDER
 CONSTRUCTION & ENGINEERING COMPANY
 13232 8th STREET RANCHO CUCAMONDA, CA 91730
 PHONE 809.463.0600 FAX: 809.463.0102

TITLE: **TOPS PROPANE**
 LOCATION: **2175 SUNRISE DR
 SALTON CITY, CA**

NO.	REVISIONS
1	
2	
3	
4	
5	

THE CONTENTS OF THIS DRAWING IS THE SOLE PROPERTY OF MEEDER CONSTRUCTION. RE-USE, ALTERATION, OR REPRODUCTION, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT FROM MEEDER CONSTRUCTION, IS EXPRESSLY PROHIBITED.

JOB# 3687	NAME:	DATE:
DRAFTER: D. LOCATELLI		01/03/06
CHECKED:		
CONTRACTOR:	SCALE: 1" = 20'	

**ATTACHMENT “C”
PLANNING COMMISSION
RESOLUTION**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "TIME EXTENSION #23-0017" FOR A NEW (15-YEAR) TERM UNDER "CONDITIONAL USE PERMIT #06-0001" FOR ALFREDO OLIVAS (TOPS PROPANE, INC.).

WHEREAS, Alfredo Olivas (Tops Propane, Inc.) has submitted Time Extension #23-0017 requesting a new 15-year term for an existing operation of a propane tank and distribution facility which includes an 18,000-ballon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers in the area; and,

WHEREAS, this existing propane tank and distribution facility, related equipment, with a trucking operation to deliver propane to customers in the area was previously approved under Conditional Use Permit #06-0001; 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 July 10, 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 #23-0017 request for Conditional Use Permit #06-0001 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #06-0001 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 #23-0017 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 the "West Shores/Salton City Urban Area Plan". This site is zoned M-1 (Light Industrial) per Zoning Map #64 of the Imperial County Title 9 Land Use Ordinance. The Time Extension request is found consistent with the previously approved Conditional Use Permit #06-0001 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 Project 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 5, Section 90515.02, subsection (k), which authorizes bulk fuel storage facilities 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 propane tank and distribution facility which includes an 18,000-ballon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers in the area is consistent with the definition of Land Use Ordinance, Section 90515.02, subsection (k), 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 operation of a propane tank and distribution facility which includes an 18,000-ballon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers in the 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 90515.02, subsection (k), which authorizes bulk fuel storage facilities 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 #06-0001, General Condition 10 (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 #06-0001) 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 operation of a propane tank and distribution facility which includes an 18,000-ballon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers in the area will operate as established on previously approved Conditional Use Permit #06-0001. 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 #06-0001) 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 operation of a propane tank and distribution facility which includes an 18,000-ballon propane tank, related equipment, storage of smaller domestic service tanks (5-gallon to 499-gallons in size) with a trucking operation to deliver propane to customers in the 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 90515.02, subsection (k), which authorizes bulk fuel storage facilities 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 #06-0001, General Condition 10 (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 proposed time extension (EXT #23-0017) for Conditional Use Permit (CUP #06-0001) will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #23-0017 for a new 15-year term under Conditional Use Permit #06-0001, 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 **July 10, 2024** 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#06-0001

1 Please return to:

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

Recorded in Official Records,
Imperial County
Doc#: 2006-020101
4/25/2006 11:05 AM

5
6
7 **AGREEMENT FOR**
8 **CONDITIONAL USE PERMIT #06-0001**
9 **ALFRED OLIVAS/PROPANE TANK PROJECT**

10 This Agreement is made and entered into on this 12th day of April 2006, by and
11 between Alfred Olivas, hereinafter referred to as Permittee, and the COUNTY OF
12 IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as
13 "COUNTY").

14 **RECITALS**

15 **WHEREAS**, Permittee is the owner, lessee or successor-in-interest in certain land
16 in Imperial County located west of State Highway 86, north of Sunrise Drive, Salton City,
17 California, described as within Block 11, Lot 14, FM 5-24, being a portion of Tract 570,
18 APN 014-041-009-000, 1.2 acres, Township 10 South, Range 10 East, SBB&M; and,

19 **WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use
20 Permit #06-0001 ("Project") for the proposed propane tank project;

21 **GENERAL CONDITIONS:**

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

28 **G-1 GENERAL LAW:**

The Permittee shall comply with all local, state and/or federal laws, rules, regulations,
ordinances, and/or standards as they may pertain to the Project whether specified herein
or not.

G-2 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or
other approvals for the construction and/or operation of the Project. This shall include,
but not be limited to, local requirements for Health, Building, Sanitation, ICAPCD, Public
Works, County Sheriff, Fire/Office of Emergency Services, among others. Permittee shall
likewise comply with all such permit requirements and shall submit a copy of such
additional permits and/or licenses, when requested, to the Planning & Development

1 Services Department within 30 days of receipt. If there is a difference, or a discrepancy
2 between this CUP and any other permit or law, the most stringent condition/law shall
3 govern.

4 **G-3 RECORDATION:**

5 This permit shall not be effective until it is recorded at the Imperial County Recorders
6 Office and payment of the recordation fee shall be the responsibility of the Permittee. If
7 the Permittee fails to pay the recordation fee within six (6) months from the date of
8 approval, this permit shall be deemed null and void. The Planning & Development
9 Services Department will submit the executed CUP to the County Recorder's office for
10 recordation purposes.

11 **G-4 CONDITION PRIORITY:**

12 The Project shall be constructed and operated as described in the Conditional Use
13 Permit application, and as specified in these conditions.

14 **G-5 INDEMNIFICATION:**

15 As a condition of this permit, Permittee agrees to defend, indemnify, hold harmless, and
16 release the County, its agents, officers, attorneys, and employees from any claim, action,
17 or proceeding brought against any of them, the purpose of which is to attack, set aside,
18 void, or annul the permit or adoption of the environmental document which accompanies
19 it. This indemnification obligation shall include, but not be limited to, damages, costs,
20 expenses, attorneys fees, or expert witness fees that may be asserted by any person or
21 entity, including the Permittee, arising out of or in connection with the approval of this
22 permit, whether there is concurrent, passive or active negligence on the part of the
23 County, its agents, officers, attorneys, or employees. This indemnification shall include
24 Permittee's actions involved in construction, operation or abandonment of the permitted
25 activities.

26 **G-6 INSURANCE:**

27 The Permittee shall secure and maintain liability in tort and property damage, insurance
28 at a minimum of \$500,000 or proof of financial responsibility to protect persons or
property from injury or damage caused in any way by construction and/or operation of the
permitted facilities. The Permittee shall require that proper Workers' Compensation
insurance cover all laborers working on such facilities, e.g. during construction and
maintenance, as required by the State of California. The Permittee shall also secure
liability insurance and such other insurance as may be required by the State and/or
Federal Law. Evidence of such insurance shall be provided to the County prior to
commencement of any activities authorized by this permit, e.g. a Certificate of Insurance
is to be provided to the Planning & Development Services Department by the insurance
carrier and said insurance and certificate shall be kept current for the life of the permitted
project. Certificate(s) of insurance shall be sent directly to the Planning & Development
Services Department by the insurance carrier and shall name the Department as a
recipient of both renewal and cancellation notices.

1 **G-7 INSPECTION AND RIGHT OF ENTRY:**

2 The County reserves the right to enter the premises to make appropriate inspection(s)
3 and to determine if the condition(s) of this permit are complied with. The owner or
4 operator shall allow authorized County representative(s) access upon the presentation of
5 credentials and other documents as may be required by law to:

6 (a) Enter at reasonable times upon the owner's or operator's premises where
7 the permitted facilities are is located, or where records must be kept under the conditions
8 of the permit;

9 (b) Have access to and copy, at reasonable times, any records that must be
10 kept under the conditions of the permit; and,

11 (c) Inspect at reasonable times any facilities, equipment, or operations
12 regulated or required under the permit.

13 **G-8 SEVERABILITY:**

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

17 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**

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

26 **G-10 TIME LIMIT:**

27 Unless otherwise specified within the specific conditions, this permit shall be limited to a
28 maximum of three (3) years from the recordation of the CUP. The CUP may be extended
for successive three (3) year period(s) by the Planning 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 four (4) consecutive periods by the Planning & Development
Services Department. If an extension is necessary, or is 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. Such an extension request shall include the appropriate
extension fee, pursuant to the Land Use Ordinance, Title 9, Division 9, Section 90901.03
et. seq., General Planning fees. If the original approval was granted by the Planning
Commission and/or the Board of Supervisors, such an extension shall only be considered

1 by the approving body, after a noticed public hearing. Nothing stated or implied within
2 this permit shall constitute a guarantee that an extension will be granted. An extension
3 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 permit conditions.

4 **G-11 COST:**

5 The Permittee shall pay any and all amounts determined by the County Planning &
6 Development Services Department to defray any and all cost(s) for the review of reports,
7 field investigations, monitoring, and other activities directly related to the
8 enforcement/monitoring for compliance of this Conditional Use Permit, County Ordinance
9 or any other applicable law as provided in the Land Use Ordinance, Section 90901.03 et.
10 seq, General Planning fees. All County Departments, directly involved in the
11 monitoring/enforcement of this project may bill Permittee under this provision, however
12 said billing shall only be through and with the approval of the Planning & Development
13 Services Department.

14 **G-12 REPORTS/INFORMATION:**

15 If requested by the Planning Director, Permittee shall provide any such
16 documentation/report as necessary to ascertain compliance with the Conditional Use
17 Permit. The format, content and supporting documentation shall be as required by the
18 Planning Director.

19 **G-13 DEFINITIONS:**

20 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s) and/or
21 conditions or sections herein shall be determined by the Planning Commission of the
22 County of Imperial. Their determination shall be final unless an appeal is made to the
23 Board of Supervisors within the required time, i.e. ten (10) calendar days, pursuant to the
24 Land Use Ordinance, Title 9, Division 1, Chapter 4, Section 90104.05, Appeal from
25 Decision.

26 **G-14 MINOR AMENDMENTS:**

27 The Planning Director may approve minor modifications to the Permit to accommodate
28 minor changes or modifications to the design, construction, and/or operation of the
Project provided said changes are necessary for the project to meet other laws,
regulations, codes, or conditions of the CUP and provided further, that such changes will
not result in any additional environmental impacts.

G-15 SPECIFICITY:

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

1 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

2 Should the Permittee violate any condition herein, the County shall give notice of such
3 violation. If Permittee does not act to correct the identified violation, and after having
4 given reasonable notice and opportunity, e.g. typically at least thirty (30) days, the County
5 may revoke the permit.

6 (a) If the Planning Commission finds and determines that the Permittee or successor-in-
7 interest has not complied with the terms and conditions of the CUP, or cannot comply
8 with the terms and conditions of the CUP, or the Planning Commission determines that
9 the permitted activities constitute a public nuisance, the Planning Director shall provide
10 Permittee with notice and a reasonable opportunity to comply with the enforcement or
11 abatement order.

12 (b) If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot
13 comply with the conditions set forth in the CUP, then the matter shall be referred to the
14 Planning Commission for permit modification suspension, or termination, or to the
15 appropriate prosecuting authority.

16 **G-17 GENERAL WELFARE:**

17 All construction and operations shall be conducted with consistency with all laws,
18 conditions, adopted County policies, plans and the application so that the project will be
19 in harmony with the area and not conflict with the public health, safety, comfort,
20 convenience, and general welfare.

21 **G-18 PERMITS OF OTHER AGENCIES INCORPORATED:**

22 Permits granted by other governmental agencies in connection with the Project are
23 incorporated herein by reference. The County reserves the right to apply conditions of
24 those permits, as the County deems appropriate; provided however, that enforcement of
25 a permit granted by another governmental agency shall require concurrence by the
26 respective agency. Permittee shall provide to the County, on request, copies and
27 amendments of all such permits.

28 **G-19 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 permitted activities, the measures imposed by the
County Health Officer shall not prohibit the Permittee from requesting a special Planning
Commission meeting, provided Permittee bears all related costs.

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G-20 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this permit shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this permit that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning Director or other affected party, to be determined by the Planning Director, may request that a hearing be conducted before the Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of staff's determination.

(The remainder of this page is intentionally left blank)

1 **SITE SPECIFIC CONDITIONS:**

2 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

3 The Permittee shall construct and operate the following facilities in compliance with the
4 Imperial County General Plan, West Shores/Salton City Urban Area Plan, Land Use
5 Ordinance, and all other applicable local, state, and federal laws, ordinances, regulations
6 and standards:

7 (a) The proposed propane tank storage and distribution facility shall include an
8 18,000 gallon propane tank, related equipment, storage of smaller domestic service tanks
9 (5 gallons to 499 gallons in size);

10 (b) A trucking operation to deliver propane to customers within the West
11 Shores/Salton City area to be open during normal working hours, i.e. 8:00 a.m. to 5:00
12 p.m., with no public entry permitted and all gates shall be locked during non-working
13 hours.

14 (c) Except as specifically authorized in this permit to complete the above
15 activities, supplemental activities which require additional major equipment or facilities
16 will require separate permits. The County, in issuing this permit, in no way assures or
17 otherwise vests any right, with respect to the issuance of a permit(s) for any
18 supplemental activities and Permittee shall also comply with all applicable regulation by
19 any other affected agencies.

20 **S-2 AIR QUALITY AND DUST EMISSIONS:**

21 The Permittee shall comply with the following Imperial County Air Pollution Control
22 District's (ICAPCD) air-monitoring criteria for on-site equipment and fugitive PM-10 dust
23 or other emissions by implementing the APCD Fugitive Dust Control conditions:

24 (a) **On-Site Equipment During Construction:** Maintain all equipment in
25 proper mechanical condition according to manufacturer's specifications; fuel any diesel-
26 powered vehicles with ARB-certified motor vehicle diesel; maximize to the extent
27 feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer
28 certification standard for heavy-duty diesel engines; and, *

(b) **Fugitive PM-10 Control:** The Permittee shall pave the entire commercial
driveway off Sunrise Drive to a minimum of 100 from the fence line into the property; the
amount of the disturbed area will be reduced wherever possible; water at least daily and
stabilize all active areas during construction; pave the commercial driveway and use
decomposed granite on the other disturbed areas with the application of soil stabilizers
approved by the APCD. *

S-3 CONSTRUCTION STANDARDS:

The propane tank facilities shall be built in accordance with the County Building Code
requirement applicable to "Seismic Zone 4". All structures and facilities shall be designed
in accordance with the publication entitled "Recommended Lateral Force Requirements

1 and Commentary by the Structural Engineers Association of California". The structural
2 components of the permitted facilities shall be reviewed by the Building Official/Planning
3 Director.

4 **S-4 HAZARDS AND HAZARDOUS MATERIALS:**

5 (a) If consistent with CALOSHA and Imperial County Fire Department
6 requirements, the property owner/Permittee shall install a six (6) foot fence around the
7 tank area with an access gate with leak detection on-site, e.g. plugs, wedges, etc; *

8 (b) Provide an adequate number of fire extinguishers onsite, as determined by
9 the Salton Community Service District, Volunteer Fire Chief; *

10 (c) Permittee shall construct reinforced walls, three (3) feet thick, and as wide
11 and as tall as the tank with three (3) feet deep footings in order to help protect, slow
12 down, or deflect a "blow out"; * and,

13 (d) A leak detection protocol shall be prepared and submitted to the County
14 Fire/OES Department for review and approval and include what actions will be taken in
15 the event of a leak being detected. *

16 **S-5 EMERGENCY RESPONSE PLAN:**

17 An Emergency Response Plan shall be provided to the SCSD Fire Department, County
18 Fire/OES Department, EHS/Local Enforcement Agency, and the Planning &
19 Development Services for covering possible emergencies, e.g. propane tank blow-out,
20 impacts due to earthquakes, and other emergencies. At all times, there shall be at least
21 one employee "on-call", i.e., available to respond to an emergency by reaching the facility
22 within a short period of time, with the responsibility of coordinating all emergency
23 response measures. The Emergency Coordinator shall be thoroughly familiar with all
24 aspects of the Emergency Response Plan and have the authority to commit the
25 resources needed to carry out the contingency plan. Adequate personnel and equipment
26 shall be available to respond to emergencies and to insure compliance with the
27 conditions of the permit, to include appropriate first aid provisions during project
28 construction and operation with appropriate first aid training for project employees.

29 **S-6 PROJECT DESIGN:**

30 The following shall be followed in project design:

31 (a) On-site parking shall be provided for employees and on-site access areas
32 and the parking areas shall be surfaced to APCD and County standards.

33 (b) Shrubs, trees and ground cover shall be planted and maintained to
34 compliment the appearance of the project, in accordance with a landscaping plan
35 approved by the Planning Director.

36 (c) Permittee shall submit the landscaping plan and shall receive the approval
37 of the Planning Director who shall not unreasonably withhold approval of said plans.

1 (d) All lights shall be directed or shield to confine any direct rays to the site, and
2 shall be muted to the maximum extent consistent with safety and operational necessity.

3 **S-7 REPORTING:**

4 The Permittee shall furnish to the County, within seven (7) months of the CUP's approval
5 date, a "Compliance Report", describing the Permittee's efforts to comply with the CUP,
6 and other permits. The Permittee shall submit all required reports to the Planning & Dev.
7 Services Dept. Director, County Planning & Development Services Department, 801 Main
8 Street, El Centro, CA 92243.

7 **S-8 RESPONSIBLE AGENT:**

8 All site operations shall be under the control of a responsible agent. The name of this
9 agent and an alternate, along with their telephone numbers, shall be submitted to the
10 Planning & Development Services Department within fifteen (15) days following the
11 approval of the CUP as well as any changes in the responsible agent(s).

11 **S-9 SYSTEM SHUT DOWN AND SITE ABANDONMENT:**

12 (a) The Permittee shall prepare and implement a plan for when the operation of
13 the permitted facilities herein authorized has ceased, that all propane tank facilities shall
14 be dismantled, and the land involved be made compatible with the surrounding uses, or
15 as requested by the landowner and as agreed to by the County Planning Director. A
16 bond, or other acceptable surety, or other forms of security acceptable to Imperial
17 County, in the amount of \$50,000, shall be filed with the County that guarantees
18 restoration of the land to its condition prior to the proposed propane development. Upon
19 completion of such site restoration, the bond or other surety shall be released by the
20 County;

18 (b) If operation of the facility ceases for a period of twenty-four (24) consecutive
19 months, Permittee shall remove the propane storage tank and all related equipment
20 within six (6) months. Permittee may request in writing to the Planning Director a one-
21 time extension; such extension shall be limited to a maximum of one year.

21 **S-10 TRAFFIC SAFETY:**

22 The Permittee shall obtain an encroachment permit and consider traffic safety in
23 transporting the propane tanks, equipment and materials to and from the permitted
24 facilities:

24 (a) The Permittee shall coordinate the movement of any required oversize loads
25 on County roads with the DPW, on State Highways with CALTRANS and CHP office and
26 such transportation of oversized equipment should be minimized as much as possible.

27 (b) The Permittee shall file for an encroachment permit for any work or
28 proposed work in the affected County road rights-of-way, i.e. Sunrise Drive.

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S-11 WASTE DISPOSAL:

The Permittee shall insure that any wastes, liquid or solid, shall be disposed of in compliance with all appropriate local, state, and federal regulations, in effect or subsequently duly-enacted, an approved solid waste disposal site in accordance with County regulations.

S-12 ODORS:

All harmful or noxious emissions and odors shall be controlled to insure that quantities of air contaminants released as a result of the facility operations do not exceed State standards, or constitute a public nuisance.

S-13 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

* EEC Mitigation Measures, February 23, 2006

NOW THEREFORE, County hereby issues the Conditional Use Permit #06-0001 and Permittee hereby accepts such 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



Alfred Olivas

4/12/06

Date

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



Jung Heuberger, AICP, CEP, CBO
Planning Director

4/25/06

Date

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PERMITTEE NOTARIZATION

Dated April 12, 2006

STATE OF CALIFORNIA

COUNTY OF Imperial } S.S.

On April 12, 2006 before me,
Monica M. Leon a Notary Public in and for
said Imperial County and California State, personally appeared
Alejo Olivas, personally known to me (or
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.

WITNESS my hand and official seal

Signature Monica M. Leon



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 Agreement for Conditional Use Permit # 06-0001
Number of Pages 12 Date of Document 4/12/06
Signer(s) Other Than Named Above _____

Dated _____

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COUNTY NOTARIZATION

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

On April 25, 2006 before me,
PATRICIA A. VALENZUELA a Notary Public in and for
said County and State, personally appeared
JURG HEUBERGER, personally known to me (or
~~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.

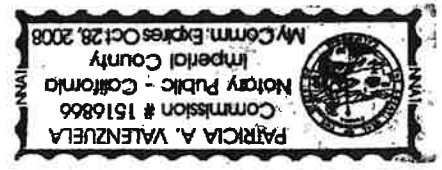
WITNESS my hand and official seal

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 12 Date of Document April 12, 2006
Signer(s) Other Than Named Above _____

JH/DG/JM/RC/ca/S/APN 014-041-009 CUP 06-0001



APPLICATION FOR CONDITIONAL USE PERMIT

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

1. PROPERTY OWNERS NAME <i>Alfred Olivas</i>			PHONE <i>760 342 6705</i>
4. MAILING ADDRESS <i>31300 No-Thewood Rd</i>		CITY <i>Indio Hills</i>	STATE <i>CA</i>
3. APPLICANTS NAME <i>Alfred Olivas</i>			ZIP CODE <i>92241</i>
4. MAILING ADDRESS (street / p.o.)		CITY	STATE
5. ENGINEERS NAME <i>Maddox Construction & Engineering</i>			PHONE <i>909 463 0600</i>
6. MAILING ADDRESS (street / p.o.) <i>13-232 6th Street</i>		CITY <i>Randis Cucamonga</i>	STATE <i>CA.</i>
7. PROPERTY (site) ADDRESS <i>7175 Sunrise Drive</i>			ZIP CODE <i>91739</i>
8. ASSESSORS PARCEL NO. <i>0140410901</i>		SIZE OF PROPERTY (in acres or sq. feet) <i>1.2 Acres</i>	
9. LEGAL DESCRIPTION (attach separate sheet if necessary) <i>Lot in Block 11 Tract 520</i>			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION

10. DESCRIBE PROPOSED PROJECT (specific use of property) <i>18000 Gallon propane storage tank, unload in bulk, load in delivery truck, to residents, store new domestic tank in size from 5 Gallons to 499 G's and also a few 1000 Gallon tank, not open to public, open during regular hours 8^{am} - 5^{pm}</i>	
11. DESCRIBE CURRENT USE OF PROPERTY <i>18000 Gallon propane storage tank, domestic service tank 150 G's 172 G's</i>	
12. DESCRIBE PROPOSED SEWER SYSTEM <i>Saltton City Community Service</i>	
13. DESCRIBE PROPOSED WATER SYSTEM <i>C.V.W.D Coachella Valley water District</i>	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM <i>Saltton City Volunteer Fire Department, fire hydrant on corner lot, emergency shut off system</i>	
15. IS THE PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no If yes, how many employees will be at this site? <i>two</i>	

REQUIRED SUPPORT DOCUMENTS

- A. DETAILED SITE PLAN (see back side)
B. FEE _____
C. OTHER _____

I / WE CERTIFY THAT I AM / WE ARE THE OWNER(S) OF RECORD AND THE INFORMATION SUPPLIED INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

Alfred Olivas
Print Name _____ DATE 1/18/06

Alfred Olivas
SIGNATURE OF PROPERTY OWNER

Alfred Olivas
Print Name _____ DATE 1/18/06

Alfred Olivas
SIGNATURE OF APPLICANT

R. CABANILLA APPLICATION RECEIVED BY		DATE <i>1/18/06</i>	REVIEW / APPROVAL BY OTHER DEPT'S required. <input type="checkbox"/> P.W. <input type="checkbox"/> E.H.S. <input type="checkbox"/> A.P.C.D. <input type="checkbox"/> O.E.S.
APPLICATION DEEMED COMPLETE BY		DATE	
APPLICATION REJECTED BY		DATE	
TENTATIVE HEARING BY		DATE	
FINAL ACTION	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	

FEE

\$5500⁰⁰

CUP-012-0001

PLANNING DIVISION - Imperial County

C.U.P.

ATTACHMENT “E”

**TIME EXTENSION (EXT) #23-0017
REQUEST DOCUMENTATION**

RECEIVED

NOV 13 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES



31300 Northwood Road
Desert Hot Springs Ca. 92241

November 3, 2023

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

Attention Gerardo Quero

Reference: 15-year time extension for Conditional Use Permit (CUP) #06-0001; APN 014-041-009-000

To Whom It May Concern:

Please allow this letter to formally serve a request for a new 15-year term CUP# 06-0001. For outside Propane above ground 18,000-gallon storage tank. We promise to apply each General and Specific Condition as listed on CUP. Tops Propane Inc. will request time extension in a timely matter as required. We are also in the process of obtaining a Removal/Surety Bond of \$50,000 with our insurance. As required per Specific Condition S-9.

If you have any Question, feel free to contact me.

Sincerely,

Owner

Alfredo Olivas

760-200-6458 Cell

ajolivas@topspropaneinc.com

Date

11/3/23


General And Site-Specific Condition Compliance Report



November 3, 2023

31300 NORTHWOOD ROAD
DESERT HOT SPRINGS CA. 92241

CUP #06-0001

Tops Propane Inc. (TPI)

GENERAL CONDITIONS

G-1 GENERAL LAW

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G1

G-2 PERMITS/LICENSSES

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G2

G-3 RECORDATION

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G3

G-4 CONDITION PRIORTY

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G4

G-5 INDEMNIFICATION

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G5

G-6 INSURANCE

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G6

TPI RENEWS IT'S GENERAL LIABILTY INSURANCE JANUARY 1ST OF EVERY NEW YEAR AND A CERTIFICATE OF INSURANCE IS SENT TO IMPERIAL COUNTY PLANNING AND DEVELOPMENT

G-7 INSPECTION AND RIGHT OF ENTRY

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G7

TPI IS WILLING TO WORK WITH COUNTY TO HAVE RIGHT OF ENTETY FOR INSPECTION TO DETERMINE IF THE CONDITIONS OF THE PERMIT IS COMPLIED OR UP TO STANDARD

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

C) TPI ACKNOWLEDGES SECTION C

G-8 SEVERABILITY

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G8

G-9 PROVISION TO RUN WITH LAND/PROJECT

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G9

G-10 TIME LIMIT

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G10

G-11 COST

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G11

G-12 REPORTS INFORMATION

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G12

G-13 DEFINITIONS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G13

G-14 MINOR AMENDMENTS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G14

G-15 SPECIFICITY

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G15

G-16 NON-COMPLIANCE (ENFORCEMENT TERMINATION)

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G16

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

C) TPI ACKNOWLEDGES SECTION C

G-17 GENERAL WELFARE

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G17

G-18 PERMITS OF OTHER AGENCIES INCORPORATED

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G17

G-19 HEALTH HAZARD

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G19

G-20 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH G20

SITE SPECIFIC CONDITIONS

S-1 AUTHORIZED SCOPE ACTIVITIES

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S1

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

TPI OPERATING HOURS ARE MONDAY- FRIDAY 8AM-5PM

C) TPI ACKNOWLEDGES SECTION C

S-2 AIR QUALITY AND DUST EMISSIONS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S2

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

S-3 CONSTRUCTION STANDARDS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S3

S-4 HAZARDS AND HAZARDOUS MATERIALS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S4

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

C) TPI ACKNOWLEDGES SECTION C

D) TPI ACKNOWLEDGES SECTION D

S-5 EMERGENCY REPNONSE PLAN

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S5

S-6 PROJECT DESIGN

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S6

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

C) TPI ACKNOWLEDGES SECTION C

D) TPI ACKNOWLEDGES SECTION D

S-7 REPORTING

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S7

S-8 RESPONSIBLE AGENT

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S8

S-9 SYSTEM SHUT DOWN AND SITE ABANDONMENT

TPI ACKNOWLEDGES AND IS IN THE PROCESS OF RETAINING A REMOVE/SURETY BOND TO BE IN COMPLIANCE WITH S9

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

S-10 TRAFFIC SAFTY

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S10

A) TPI ACKNOWLEDGES SECTION A

B) TPI ACKNOWLEDGES SECTION B

S-11 WASTE DISPOSAL

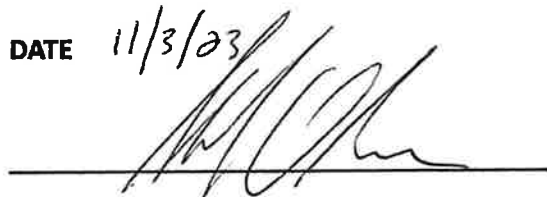
TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S11

S-12 ODORS

TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S12

S-13 ACCEPTANCE

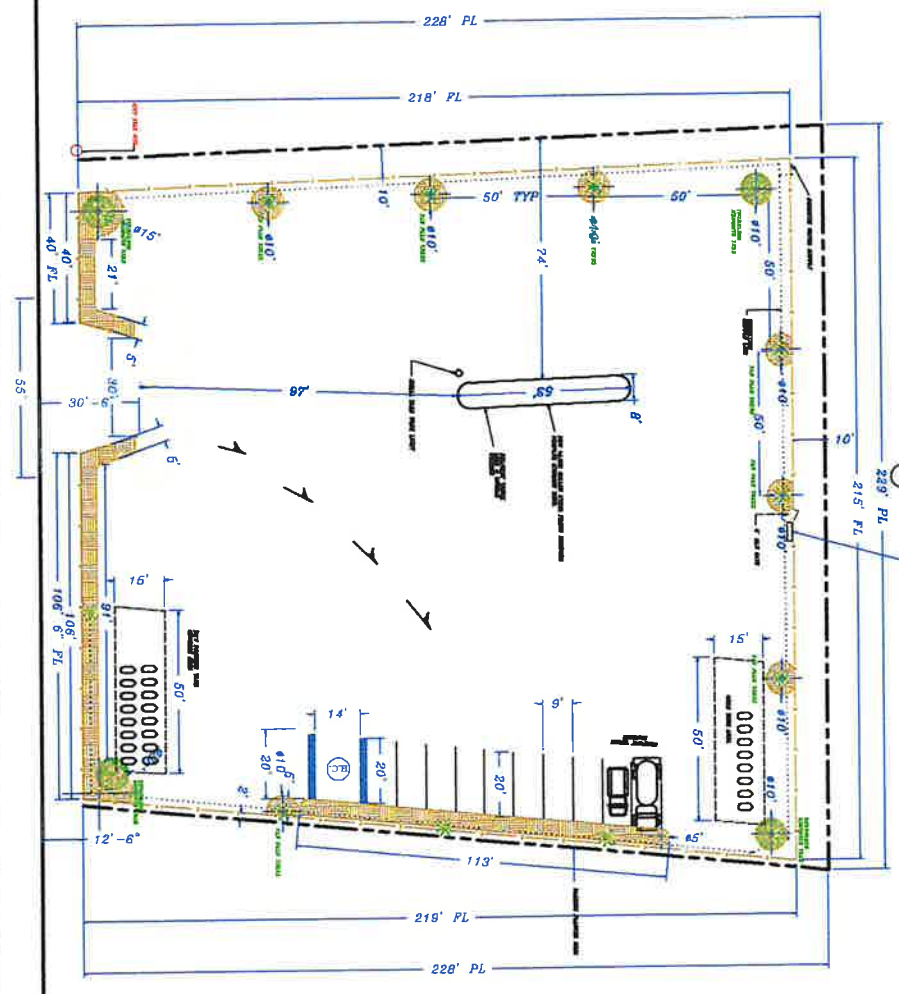
TPI ACKNOWLEDGES AND IS IN COMPLIANCE WITH S13

DATE 11/3/23


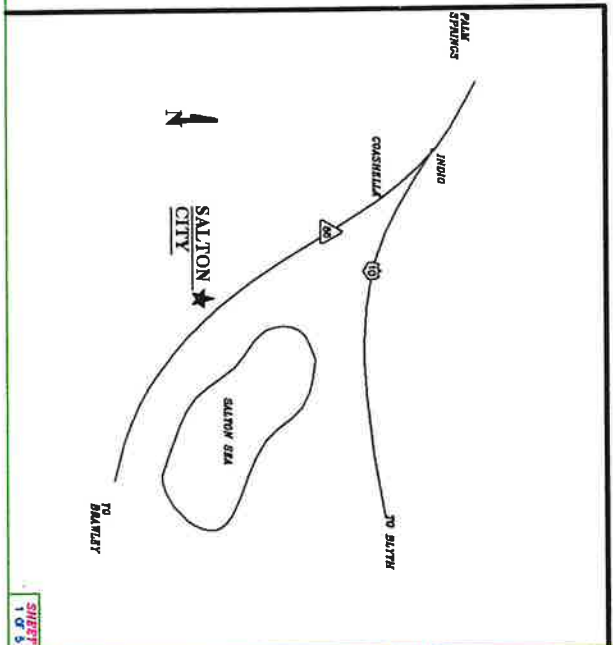
RECEIVED
NOV 13 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

GENERAL NOTES:

- 1) PROPOSED LOCATION IS DESIGNED FOR PROPANE STORAGE AND FUELING.
- 2) SEE GENERAL NOTES PROVIDED IN PROPOSED PROJECT SPECIFIC USE OF PROPERTY.
- 3) PROPOSED SITE IS NOT OPEN TO THE PUBLIC, AUTHORIZED PERSONNEL ONLY.
- 4) SITE WILL BE LOCKED AND SECURED DURING OFF-HOURS.
- 5) YARD SURFACE IS COMPACTED SAND (SEE NOTES).
- 6) THERE IS NO PERMANENT STRUCTURE ON SITE.
- 7) FUTURE ELECTRICAL IS PROPOSED (SEE NOTES).
- 8) LANDSCAPING DETAIL. (SEE NOTES)



SITE & ZONE: 1.2 ACRES / M-1
 PROJECT ADDRESS: LOT 14, TRACT 570, BLOCK 11
 ASSESSORS PARCEL NO: 014-041-08-01
 OWNER: TOPS PROPANE (see owner)
 PHONE No.: 700-342-6700



REVISIONS	
NO.	DESCRIPTION
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THE CONTENTS OF THIS DRAWING IS THE SOLE PROPERTY OF MEEDER CONSTRUCTION. RE-USE, ALTERATION OR REPRODUCTION IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT FROM MEEDER CONSTRUCTION, IS EXPRESSLY PROHIBITED.

JOB# 3687	NAME:	DATE:
DRAFTER: D. LOCATELLI		01/03/06
CHECKED:		
CONTRACTOR:	SCALE: 1" = 20'	

MEEDER
 CONSTRUCTION & ENGINEERING COMPANY
 13232 8th STREET RANCHO CUCAMONGA, CA 91739
 PHONE 909.463.0600 FAX: 909.463.0102

TITLE: TOPS PROPANE
LOCATION: 2175 SUNRISE DR
 SALTON CITY, CA

SHEET 1 OF 3
 DRAWING NO. 3687

**ATTACHMENT “F”
COMMENT LETTERS**



Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

November 30, 2023

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

Re: Extension #23-0017/Conditional Use Permit #06-0001

Mr. Quero:

Our department has reviewed the documents pertaining to EXT #23-0017/CUP #06-0001 for applicant Alfredo Olivas (Tops Propane, Inc), a company proposing a time extension for an existing propane tank storage and distribution facility which includes an 18,000 gallon propane tank, related equipment, and storage of smaller domestic service tanks with a trucking operation to deliver propane to customers at 2175 Sunrise Drive, Salton City, CA 92274.

As mentioned in the project, the applicant will utilize a trucking operation to deliver propane to customers. Should the project utilize liquefied petroleum gas ("LPG") meters, whether truck mounted or stationary, or a commercial weighing device such as a scale, the applicant must first register these devices with Imperial County Agricultural Commissioner and Sealer of Weights & Measures Office. These devices must be tested, inspected, and sealed by our office on an annual basis. Additionally, please be advised that any commercial weighing or measuring devices are required to be type approved for commercial use.

The project also mentions the use of landscaping. If the project requires movement of plant material into Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed.

If you or the applicant have any questions, please feel free to contact our office at (442) 265-1500.

Best Regards,

A handwritten signature in blue ink that reads "Jolene Dessert".

Jolene Dessert

SCALES USED FOR COMMERCIAL PURPOSES

All scales used for commercial purposes must meet strict standards for accuracy and customer visibility in the California Code of Regulations. Appropriate and suitable scales must be of a type approved by the Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval or a National Type Evaluation Program (NTEP) Certificate of Conformance before commercial use. This process is known as "Type Evaluation." See the CTEP Information Guide at: <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPIInfoGuide.pdf>

Step 1: Selecting a suitable scale to meet your business needs.

Step 2: Setting up your scale.

Step 3: Using and maintaining your scale.

Step 4: Notifying your County Weights and Measures Office.

Step 1: Selecting a suitable scale to meet your business needs.

Consider:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Legal-for-trade scales purchased from a scale dealer or purchased online will require calibration before use. A Registered Service Agency (RSA) can assist you in the selection of a type approved and suitable scale. They will ensure the scale is accurate and correct, install and place the scale into commercial use pending inspection by a local weights and measures official, and can assist in the scale registration process. [RSAs listings](#) can be found at <https://www.cdfa.ca.gov/dms/programs/rsa/rsa.html> or via online searches.

Step 2: Setting up your scale.

- Scales must be installed and operated per the manufacturer's instructions and California laws and regulations.
- Scales must be placed on a level solid surface and properly used and maintained (refer to owner's manual).
- Legal-for-trade scales must be "inspected, tested and sealed" by a County Weights and Measures Office.
- Precision scales may need to be verified and recalibrated when moved to another location within a production facility or retail establishment.

Step 3: Using and maintaining your scale.

- Use the scale according to the owner's reference manual.
- Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS – TARE).
- The owner or user is responsible for ensuring the accuracy and proper maintenance of a commercial scale.
- EVERYBODY benefits from an accurate scale. The customer is not cheated, and the seller is protected by weights and measures officials who ensure a level playing field for all competing businesses.

Step 4: Register a scale with your county.

- Most California counties have local ordinances requiring annual registration of commercial scales.
- Find your County Weights and Measures Office at: <https://www.cdfa.ca.gov/exec/county/countymap/>



Office of the Agricultural Commissioner
 Sealer of Weights and Measures
 852 Broadway, El Centro CA 92243

Jolene Dessert
 Commissioner / Sealer

Rachel Garewal
 Asst. Commissioner / Sealer

ANNUAL REGISTRATION/RENEWAL APPLICATION (expires December 31,)

Registration No.: _____ *Please update any outdated or missing information.*

Company Headquarters:

Name: _____ Contact: _____
 Mailing Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____
 Email: _____

Physical Location:

Business Name: _____ Primary Contact: _____
 Physical Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____

Device Type	Location Fee	Quantity	Fee per Device	Device Fee Subtotal	DMS Fee per Device	DMS Fee Subtotal	Device Total
TOTAL FEES DUE:							<input style="width: 100px; height: 20px;" type="text"/>

<p>For Department Use Only</p> <p>DMS Receipt #: _____ DMS Date: _____</p> <p>Deposit #: _____ Deposit Date: _____</p>	<p>Make check or money order payable to:</p> <p>IMPERIAL COUNTY WEIGHTS & MEASURES</p> <p>852 Broadway El Centro, CA 92243</p>
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I CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION IS TRUE AND CORRECT.

Print Name of Authorized Representative	Signature	Date
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We gladly accept checks. fiserv.
 If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee.
 Payment by check constitutes authorization of these transactions. You may revoke this authorization by calling (800) 666-5222, ext. 2, to arrange payment for any outstanding checks and service fees due. www.fiserv.com

County of Imperial Division of Weights and Measures

Registration Fees = Location fee + Device fee + DMS fee (State Surcharge)

Fees are based on a statewide fee structure approved by the State Legislature and Governor. Fees partially offset the cost of administering the commercial weighing and measuring program, and are based on the number and type(s) in use per location. These fees have been adopted in the Imperial County Ordinance Chapter 5.68 and are authorized by the California Business and Professions Code: Device Fees Section 12240(f)-(t); Location Fee Section 12240(u); State Administrative Fee: Section 12241 and California Code of Regulations Title 4, Division 9, Chapter 3, Article 3, Section 4075.

All fees are due and payable by January 1st. Any registration paid after forty-five (45) days will be considered delinquent and be subject to penalties. The penalties are twenty percent (20%) of total device registration fee and location fee accruing each forty-five (45) days in arrears.

Device Location Fee: Each location (scanner/point-of-sale excluded) is charged a location fee of \$100. A location is considered a business with one or more types of devices that require specialized testing equipment that will necessitate more than one trip. Additionally, if a commercial device is installed on a vehicle, each vehicle is considered a single location.

Device Registration Fees	Fee per Device	DMS fee per Device
CNG Meter	\$20.00	\$16.00
Computing Scales <2,000#	\$20.00	\$2.20
Counter Scale < 2,000#	\$50.00	\$2.20
Electric Submeter	\$3.00	\$0.50
Fabric/Cord/Wire	\$20.00	\$2.20
Hanging Scale < 2,000#	\$50.00	\$2.20
Hanging Scale 2,000-10,000#	\$150.00	\$16.00
Hopper & Tank > 10,000#	\$250.00	\$24.00
Hopper & Tank 2,000-10,000#	\$150.00	\$16.00
L.P.G. Meter	\$185.00	\$16.00
Livestock Scale > 10,000#	\$150.00	\$24.00
Livestock Scale 2,000-10,000#	\$100.00	\$16.00
Misc. Measuring Devices	\$20.00	\$2.20
Misc. Weighing Devices < 2,000#	\$50.00	\$2.20
Monorail/Meat < 2,000#	\$50.00	\$2.20
Monorail/Meat 2,000-10,000#	\$150.00	\$16.00
Odometers	\$60.00	\$2.20
Platform/Dormant <2,000#	\$50.00	\$2.20
Platform/Dormant > 10,000#	\$250.00	\$16.00
Platform/Dormant 2,000-10,000#	\$150.00	\$16.00
Class II Scale (Non-prescription/jewelry)	\$20.00	\$2.20
Pres/Jewel Scale <2,000#	\$80.00	\$2.20
Railway Scale > 10,000#	\$250.00	\$24.00
Retail Meter Fuel (Gas pumps)	\$20.00	\$2.20
Retail Water Meter (Dispensers, Vending)	\$20.00	\$2.20
Vehicle Meter (Any vehicle mounted meter)	\$75.00	\$2.20
Vehicle Scale > 10,000#	\$250.00	\$24.00
Water Submeters	\$2.00	\$0.50
Wholesale Meter (Stationary Hi-volume sale)	\$75.00	\$2.20
Scanner/Point of Sale Registration Fees	Fee per Scanners	DMS Fee per Scanners
Scanners (1-3)	\$89.00	\$0.00
Scanners (4-16)	\$129.00	\$0.00
Scanners (17-30)	\$190.00	\$0.00
Scanners (31 or more)	\$240.00	\$0.00

Please note that some device types cap at \$1,000 per location. If you have any questions please call the Division of Weights and Measures at (442) 265-1500.



Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

June 21, 2023

Landscaper/Nursery

This letter is to remind you of the requirements you must follow for movement of plant material into Imperial County. There are many quarantines which must be observed. The most complex is for the glassy-winged sharpshooter and detailed directions for compliance follow. However, there are a few other quarantines that you should be aware of and they are listed at the end of this letter.

There is a State Interior Quarantine in place to prevent artificial movement of the glassy-winged sharpshooter (GWSS). The GWSS is a hardy insect which feeds on many common landscape plants and crops. It carries and spreads *Xylella fastidiosa*, a bacterium which is deadly to many plants. Imperial County is the only Southern California County that is not infested with the glassy-winged sharpshooter, and is designated as an enforcing county.

A summary of the quarantine requirements for entry of GWSS-host nursery stock from infested counties:

- Nursery stock must be purchased from a nursery that is under Compliance Agreement with the Agricultural Commissioner's office in that County. The plants should enter Imperial County with paperwork that includes the GWSS Compliance Agreement Number stamp, the required blue tag (see below), and Certificate of Quarantine Compliance (CQC) if applicable.
- Every shipment of nursery stock from an infested county must be accompanied by a Warning Hold for Inspection Certificate also known as a blue tag. As stated on the blue tag, this requires the receiver to hold the shipment off sale upon arrival and call our office for an inspection. It is very important that we be notified immediately upon arrival of the plant shipment. You must not commingle the new shipment with previously-released nursery stock until released by our office. Our office hours are Monday through Friday, 8:00 AM to 5:00 PM. Please call as early as possible. If you intend to bring in plants on a Saturday or Holiday, you must notify our office in advance.
- Landscapers that have their own growing ground or holding yard where they store nursery stock are required to be licensed as a nursery. Landscapers that do not hold or store that stock prior to its delivery to the planting site do not need a license.
- All landscapers must comply with the requirements listed above for every shipment brought into the County. You also must hold the stock at its destination (preferably away from other plants) and call our office for an inspection - you may not plant any of the nursery stock until the plants have been inspected and released by our office. If you are buying and transporting nursery stock into Imperial County, it is your responsibility to obtain the required documents from the origin nursery and call for the inspection upon arrival.
- For every shipment, you must have a proof of ownership document for the nursery stock.

Penalties for failure to comply with the quarantine requirements listed above:

- Any violation of quarantine requirements is an infraction punishable by a fine of \$1,000 for the first offense. For a second or subsequent offense within three years, the violation is punishable as a misdemeanor (Food and Ag Code, Section 5309).
- In lieu of any civil action, the Agricultural Commissioner may levy a civil penalty for up to \$2,500 for each violation (Food and Ag Code, Section 5311).
- In addition to any other action taken, any violation of these requirements may be liable civilly in an amount not to exceed \$10,000 for each violation (Food and Ag Code, Section 5310).
- Anyone that negligently or intentionally violates any quarantine regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation, may be civilly liable in an amount up to \$25,000 for each violation (Food and Ag Code, Section 5028(c)).

Other restricted plant materials (if you intend to bring in any of the following commodities from outside Imperial County please contact us before the shipment date):

- Citrus species – All Citrus species are restricted from most locations within California.
- Phoenix palms – All palms of the Phoenix genus (this includes *Phoenix roebelinii*, a common landscape plant) originating in California are prohibited, unless it is from certain portions of Riverside County.
- Florida nursery stock- Must comply with California State Interior Quarantine CCR. 3271 Burrowing and Reniform Nematodes, RIFA federal Quarantine and other quarantines may apply.
- Arizona nursery stock- Must comply with California State Interior Quarantine CCR. 3261 Ozonium Root Rot.
- Also, if you intend to remove any plants from the soil and ship them out of Imperial County you must be certified free from Ozonium Root Rot. To do so you must be part of our program and you should contact our office.

If you have any questions please contact our office at (442) 265-1500.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nelson Perez', with a stylized flourish at the end.

Nelson Perez
Deputy Agricultural Commissioner
Pest Detection and Eradication

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

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

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

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

Prevention

Phone: (442) 265-3020

December 5, 2023

RE: Condition Use Permit #06-0001 EXT #23-0017
Alfredo Olivas (Tops Propane Inc.)
2175 Sunrise Drive, Salton City, CA 92274



Imperial County Fire Department would like to thank you for the opportunity to review and comment on CUP EXT: #23-0017 for Alfredo Olivas (Tops Propane Inc.) located at 2175 Sunrise Drive, Salton City, CA 92274

Imperial County Fire Department has the following comments and/or requirements.

The applicant will need to submit the following to Imperial County Fire Department for the review and our records as stated in CUP #06-0001.

S-4 Hazards and Hazardous Material:

(d) A leak detection protocol shall be prepared and submitted to the County Fire/OES Department for review and approval and include what actions will be taken in the event of a leak being detected.

S-4 Emergency Response Plan:

An emergency response plan shall be provided to the SCSD Fire Department, County Fire/OES Department, EHS/Local Enforcement Agency, and the Planning & Development Services for covering possible emergencies, e.g. propane tank blow-out, impacts due to earthquakes, and other emergencies. At all times, there shall be a least one employee "on-call", i.e., available to respond to an emergency by reaching the facility within a short period of time, with the responsibility of coordinating all emergency aspects of the Emergency Response Plan and having the authority to commit the resources needed to carry out the contingency plan. Adequate personnel and equipment shall be available to respond to emergencies and to insure compliance with the conditions of the permit, to include appropriate first aid provisions during project construction and operation with appropriate first aid training for project employees.

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

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California

ADMINISTRATION / TRAINING

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Phone: (442) 265-3020

Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

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

Sincerely

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

David Lantzer
Fire Chief
Imperial County Fire Department

Robert Malek
Deputy Chief
Imperial County Fire Department
Fire Prevention Bureau

AIR POLLUTION CONTROL DISTRICT



December 11, 2023

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

SUBJECT: Time Extension 23-0017 for Conditional Use Permit 06-0001 – Alfredo Olivas (Tops Propane, Inc)

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Time Extension (EXT) 23-0017 (Project). The Project would allow for a fifteen (15) year time extension for Conditional Use Permit (CUP) 06-0001, which includes an 18,000-gallon propane tank, related equipment, storage of smaller domestic service tanks (5 – 499-gallons) and a trucking operation to deliver propane to customers. The project is located at 2175 Sunrise Dr., Salton City also identified with Assessor's Parcel Number 014-041-009.

CUP 06-0001 includes Specific Condition S-2 AIR QUALITY AND DUST EMISSIONS with section (b) stating "pave the entire commercial driveway off Sunrise Drive to a minimum of 100 from the fence line" a review of satellite imagery of the site shows the condition is met to the satisfaction of the Air District. The Air District reminds the applicant that the project must comply with all Air District rules and regulations as well as the conditions of the CUP.

The Air District adds, informationally, that if the project operations/design evolve and change to include equipment such as a generator or a flare an Air District permit may become required and the applicant should contact the Engineering and Permitting Division to discuss the permitting requirements of the project.

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

Reviewed via email by
Monica N. Soucier
APC Division Manager