

# PROJECT REPORT

**TO: PLANNING COMMISSION**

**AGENDA DATE** May 24, 2023

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

**AGENDA TIME** 9:00 A.M./No. 2

Frink Springs Gravel Pit  
**PROJECT TYPE:** Time Extension #23-0004 (CUP #1095-93) **SUPERVISOR DIST#** 4

**LOCATION:** North 1/2 of Southwest 1/4, Section 21, **APN:** 003-360-018-001  
Tract 9 South, Range 13 East. **PARCEL SIZE:** 80 Acres

**GENERAL PLAN** (existing) Recreation/ Open Space **GENERAL PLAN** (proposed) N/A

**ZONE** (existing) Low Density Residential - Lot 5 acre minimum (R-1-L-5) **ZONE** (proposed) N/A

GENERAL PLAN FINDINGS     CONSISTENT     INCONSISTENT     MAY BE/FINDINGS

PLANNING COMMISSION DECISION:     APPROVED     DENIED     OTHER  
**HEARING DATE:** 05/24/2023

PLANNING DIRECTORS DECISION:     APPROVED     DENIED     OTHER  
**HEARING DATE:** \_\_\_\_\_

ENVIROMENTAL EVALUATION COMMITTEE DECISION:     APPROVED     DENIED     OTHER  
**HEARING DATE:** \_\_\_\_\_  
**INITIAL STUDY:** \_\_\_\_\_

NEGATIVE DECLARATION     MITIGATED NEG. DECLARATION     EIR

## DEPARTMENTAL REPORTS / APPROVALS:

|              |                                     |                             |                                     |          |
|--------------|-------------------------------------|-----------------------------|-------------------------------------|----------|
| PUBLIC WORKS | <input type="checkbox"/>            | NONE                        | <input checked="" type="checkbox"/> | ATTACHED |
| AG / APCD    | <input type="checkbox"/>            | NONE                        | <input checked="" type="checkbox"/> | ATTACHED |
| E.H.S.       | <input checked="" type="checkbox"/> | NONE                        | <input type="checkbox"/>            | ATTACHED |
| FIRE / OES   | <input checked="" type="checkbox"/> | NONE                        | <input type="checkbox"/>            | ATTACHED |
| OTHER        |                                     | <u>Quechan Indian Tribe</u> |                                     |          |

## REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT, STAFF WOULD THEN RECOMMEND THAT YOU APPROVE TIME EXTENSION #23-0004 FOR CONDITIONAL USE PERMIT #1095-93 BY TAKING THE FOLLOWING ACTIONS:

1. FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA UNDER THE GOVERNMENT CODE, SECTION 15301 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY;
2. FIND THAT TIME EXTENSION #23-0004 FOR CONDITIONAL USE PERMIT #1095-93 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND
3. APPROVE TIME EXTENSION #23-0004 FOR CONDITIONAL USE PERMIT #1095-93 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

**STAFF REPORT**  
**Planning Commission Meeting**  
**May 24, 2023**  
**Time Extension #23-0004 for**  
**Conditional Use Permit (CUP) #1095-93**

**Applicant:** Cal Grade, Inc.  
1610 East Main Street  
Brawley, CA 92227

**Project Location:**

The subject property is an 80-Acre parcel located east of Bombay Beach and south of the Coachella Canal. It is identified by Assessor's Parcel Number 003-360-018-001 and is further identified as the N½ of SW¼ of Section 21 in Township 9 South, Range 13 East, on file in the Office of the County Recorder of Imperial County (Attachment "A" Site Vicinity Map).

**Project Summary:**

Cal Grade, Inc. (Frink Springs Gravel Pit) submitted Time Extension #23-0004 requesting to extend CUP #1095-93 for an additional 15 years. CUP #1095-93 is in compliance with all the Conditions of Approval. Cal Grade, Inc. is currently operating under Reclamation Plan (RP) #156-93, which will expire on October 31, 2043. RP #156-93 provides for the reclamation of the sand and gravel pit, along with a water well. Cal Grade, Inc. is and has been in compliance with the annual inspections to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Plan Act of 1975 (SMARA).

CUP #1095-93 was approved by the Planning Commission on October 13, 1993, for the operation of a sand and gravel pit and drilling of a water well. According to condition G-9 "Time Limit" of CUP #1095-93, the following is stated:

"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...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."

**Land Use Analysis:**

The subject parcel is currently zoned R-1-L-5 (Low Density Residential) according to the Land Use Element and is designated "Recreation/Open Space" according to the County's General Plan. In 1993, at the time of the CUP approval, the parcel was zoned S-2 (Open Space\Preservation) and was changed to its current zoning in 1998. The proposed CUP extension is consistent with the Title 9 Land Use Ordinance.

**SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:**

| <b>DIRECTION</b>    | <b>CURRENT LAND</b> | <b>ZONING</b> | <b>GENERAL PLAN</b>   |
|---------------------|---------------------|---------------|-----------------------|
| <b>Project Site</b> | Mining Site         | R-1-L-5       | Recreation/Open Space |
| <b>North</b>        | Vacant land         | R-1-L-5       | Recreation/Open Space |
| <b>South</b>        | Mining Site         | R-1-L-5       | Recreation/Open Space |
| <b>East</b>         | Vacant Land         | Military      | Recreation/Open Space |
| <b>West</b>         | Water Well          | GS            | Recreation/Open Space |

**Environmental Review:**

The previously approved Conditional Use Permit #1095-93 was environmentally assessed and reviewed by the Environmental Evaluation Committee on August 13, 1993. The project received a Mitigated Negative Declaration which was circulated for a 30-day period.

Time Extension #23-0004 for Conditional Use Permit #1095-93 is found to be exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

**Staff Recommendation:**

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

1. Find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Time Extension #23-0004 for Conditional Use Permit #1095-93 is consistent with applicable zoning and building ordinances; and,
3. Approve Time Extension #23-0004 for Conditional Use Permit #1095-93 for a new 15-year term, subject to the existing conditions.

**Prepared By:** Luis Valenzuela, Planner I  
Planning & Development Services



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



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**Approved By:** Jim Minnick, Director  
Planning & Development Services



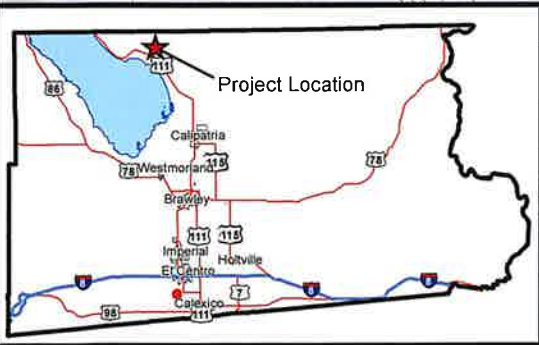
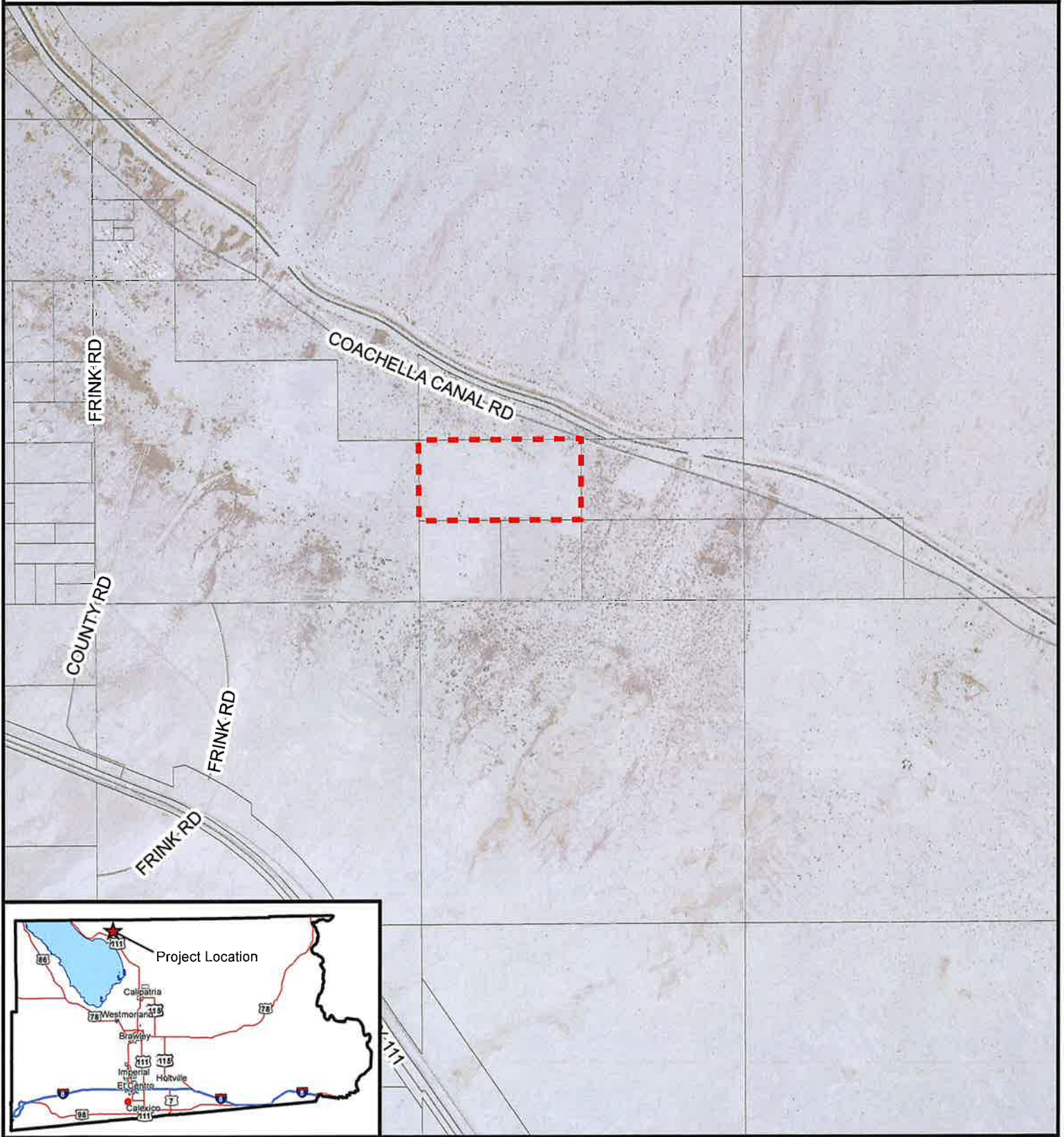
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- Attachments:**
- A. Vicinity Map
  - B. Site Plan
  - C. Planning Commission Resolution
  - D. Previously approved Conditional Use Permit #1095-93
  - E. Applicants Request for Time Extension Letter
  - F. Comment Letters




**Attachment A.**  
**Vicinity Map**



# PROJECT LOCATION MAP

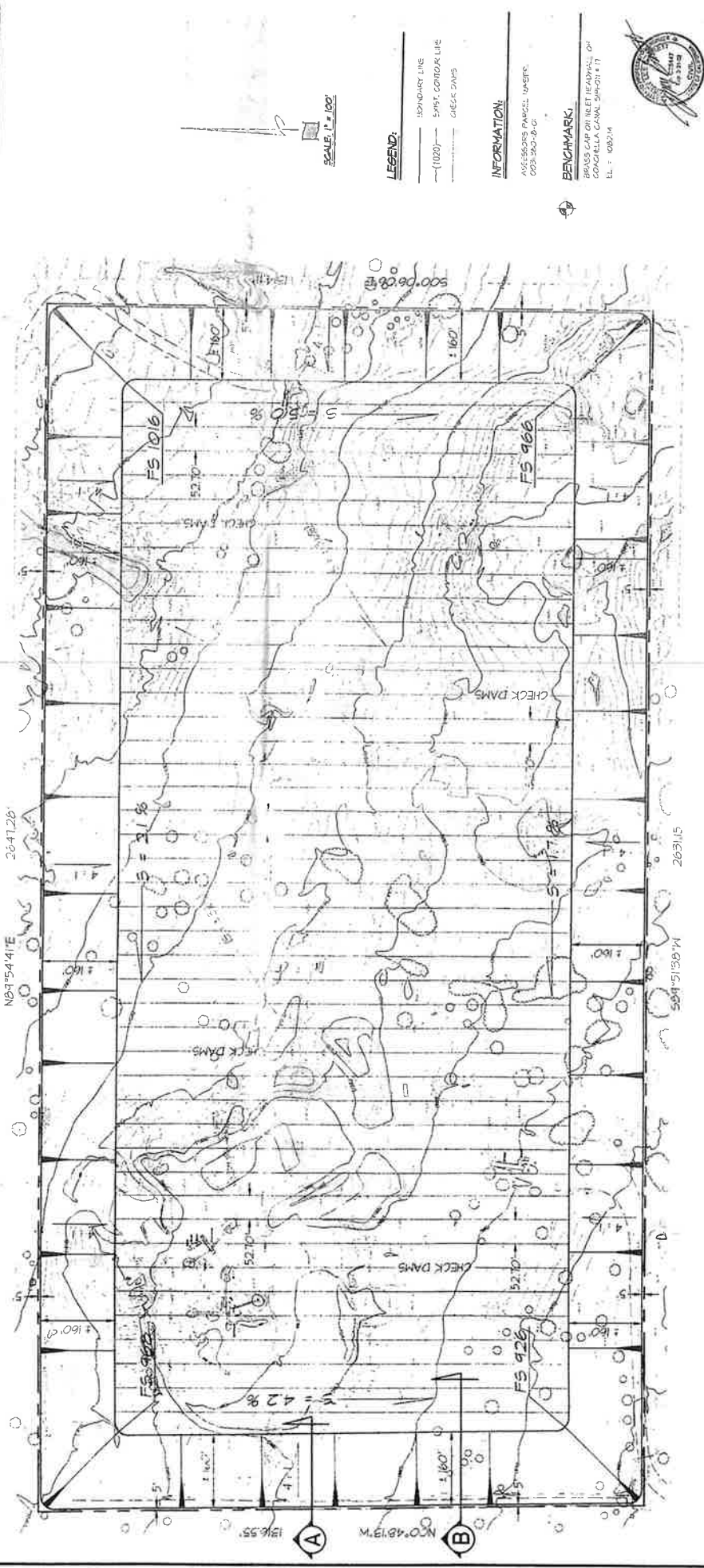
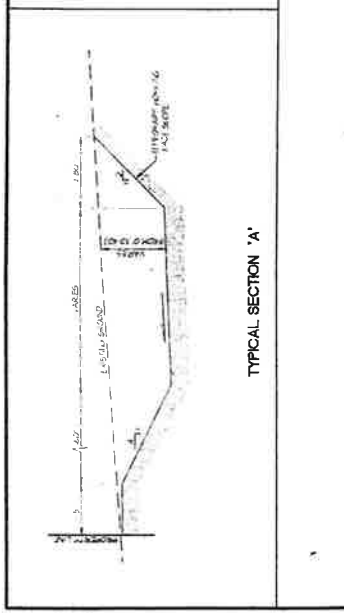
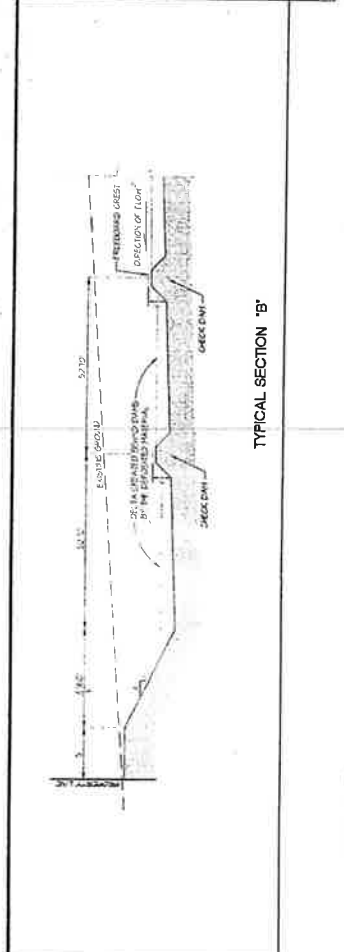
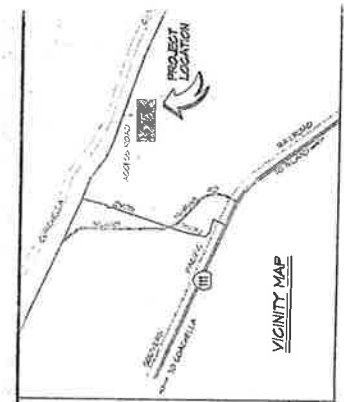


**CAL GRADE INC.**  
**FRINK SPRINGS SANDS AND GRAVEL PIT**  
**EXT #23-0004 FOR CUP #1095-93**  
**APN 003-360-018-000**

|   |                  |
|---|------------------|
|  | Project Location |
|  | Parcels          |
|  | Centerline       |



**Attachment B.**  
**Site Plan**



**BJ** ENGINEERING & SURVEYING, INC.  
 100 W. MAIN ST. #100  
 SAN ANTONIO, TEXAS 78205  
 TEL: 512-345-1234

SCALE: 1" = 100'

**LEGEND:**  
 --- SPURRY LINE  
 --- (100) --- 5% SLOPE  
 --- CHECK DAMS

**INFORMATION:**  
 ACCESSORS PARCEL NUMBER: 003-340-9-0

**BENCHMARK:**  
 BRASS CAP ON INLET HEADWALL OF CONCHILLA CANAL 594291.17  
 ELEVATION: 1080.74

DEPARTMENT OF THE UNIVERSITY OF TEXAS AT EL PASO  
**GRADING PLAN**  
 DATE: 10/15/11



**Attachment C.**

**Planning Commission Resolution**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING TIME EXTENSION #23-0004 FOR “CONDITIONAL USE PERMIT #1095-93” FOR CAL GRADE, INC (FRINK SPRINGS GRAVEL PIT).**

**WHEREAS**, CAL GRADE, INC. submitted a letter requesting a Time Extension #23-0004 to extend CUP #1095-93 for an additional fifteen (15) years;

**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”;

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

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on May 24, 2023;

**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 #23-0004 for Conditional Use Permit #1095-93 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit 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 analyzes environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning laws and the County of Imperial regulations, the following findings for approving the Time Extension #23-0004 for Conditional Use Permit #1095-93 have been made as follows:

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

The General Plan designates the subject site as “Recreation/Open Space” under the Land Use Element. The project is zoned “Single Family Residential” under the Land Use Ordinance and is found consistent with the goals and policies of the Imperial County General Plan Land Use Element (due to pre-existing, non-conforming use). Therefore, the project is consistent with the County’s 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 purpose of the project is to renew the time limit for the CUP #1095-93 for the existing 80-acre mining operation. The project is zoned R-1L-5/PE (Single Family Residential/5 acre minimum parcel size). Pursuant to Title 9 Division 5 Section 90105.00; uses that were lawful before the Land Use Ordinance was passed or amended are an allowed use; however, the use may not be enlarged, expanded, or extended. Therefore, the proposed project would be found consistent with the zone.

**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 mining operation is not listed as a permitted use in the subject zoning district; however, the use is consistent with the surrounding property, which is zoned S-2 (Open Space/Preservation), which allows a mining operation.

**D. The proposed use meets the minimum requirements of Title 9 applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.**

The Project complies with the minimum requirements of Title 9 whereby the Operator obtained a CUP pursuant to Title 9, Division 5, Section 90203.1. The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California.

**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 project is designated "Recreation/Open Space" by the Imperial County General Plan. The surrounding areas are designated as "Recreation /Open Space" per the Imperial County General Plan, which allows mining operations. Therefore, the continued use of this mining site 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 will be subject to the Conditional Use Permit and current Federal, State, and Local regulations. The project use does not violate any law or ordinance.

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

The project is a permitted use subject to approval of a Time Extension #23-0004 for Conditional Use Permit #1095-93 under Land Use Ordinance, Section 90105.03 *et. seq.* and will not grant a special privilege.

**NOW, THEREFORE**, based on the above findings, the County of Imperial Planning Commission **DOES HEREBY APPROVE** Time Extension #23-0004 for a new 15-year term under Conditional Use Permit #1095-93, subject to the existing conditions of approval.

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**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 May 24, 2023 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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

**Attachment D.**

**Previously approved Conditional Use Permit  
#1095-93**



RECORDING REQUEST BY

930 7351

BOOK 1751 PAGE 264

Planning Department  
County of Imperial  
Courthouse  
El Centro, CA 92243

DOLORES PROVENCIO

COUNTY RECORDER  
BOOK 1751 PAGE 264

'93 NOV 16 AM 9 30

OFFICIAL RECORDS  
IMPERIAL COUNTY, CA

|       |      |
|-------|------|
| REG   | \$ 3 |
| REF   | \$ 1 |
| MC    | \$ 1 |
| MR    | \$ - |
| TOTAL | \$ 5 |

And When Recorded Mail To

Planning Department  
County of Imperial  
Courthouse  
El Centro, CA 92243

**HOLD**

**MEMORANDUM OF CONDITIONAL USE PERMIT**


This is a Memorandum of Conditional Use Permit recorded by the County of Imperial, to witness that:

Pursuant to County Ordinance Section 83452/56352, a Conditional Use Permit (Permit # 1095-93) to Masters Construction for a Mining & Water Well has been granted by the County of Imperial for certain permises located at Coachella Canal Road, Imperial County, further described as (LEGAL DESCRIPTION) North 1/2 of Southwest 1/4, Section 21, Township 9 South, Range 13 East and further described by Assessor's Parcel # 003-360-18-01 situated in Imperial County, California.

The term of the Conditional Use Permit (Permit # 1095-93) is for Three years commencing on the date of recordation, and the permit does have provisions for extensions. (This is optional and should be checked).

A complete copy of the Conditional Use Permit is available for review at the Office of Imperial County Planning Department, 939 Main Street, El Centro, California.

Executed on 11/8/93 at El Centro, Imperial County, California.

by:   
**JURG HEUBERGER**  
 Planning Director, County of Imperial

**ACKNOWLEDGEMENT**

State of California)  
(County of Imperial)

On 11-15-93 before me, Linda Weaver, Clerk of the Board of Board of Supervisors, personally appeared JURG HEUBERGER, Planning Director, 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 

**MASTERS CONSTRUCTION**  
**FRINK SPRINGS SAND AND GRAVEL PIT**  
**AND**  
**WATER WELL**

Conditional Use Permit No. 1095-93 to operate a sand and gravel pit and drill a water well shall include the following conditions:

**GENERAL CONDITIONS:**

**G-1 COSTS**

Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, or other activities related to compliance with this permit, County Ordinances, and/or other laws that apply.

**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 this project. This shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff, Regional Water Quality Control Board, Offices of Emergency Services, etc. Permittee shall like-wise comply with all such permit requirements for the life of the project. Additionally Permittee shall submit a copy of such additional permit and/or licenses to the Planning Department within 30 days of receipt.

**G-3 RECORDATION**

This permit shall not be effective until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee, this permit shall be deemed null and void.

**G-4 COMPLIANCE/REVOICATION**

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

**G-5 INDEMNIFICATION**

At no cost to the County, Permittee shall indemnify and deem harmless the County, the Board of Supervisors, and all officers and agents of the County against any and all claims or actions and liabilities arising out of the permitting and/or operation of this project.

**G-6 CONDITIONS RUN WITH LAND**

The conditions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective.

**G-7 SEVERABILITY**

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

**G-8 RIGHT OF ENTRY**

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

**G-9 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.

**G-10 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 Board of Supervisors within the required time.

**MINING PERMIT CONDITIONS:**

**M-1 ACCESS ROAD**

Construction and maintenance of the access road shall be in the manner prescribed by the U.S. Bureau of Land Management, other property owners and Public Works.

**M-2 ANTICIPATED PRODUCTION**

Total anticipated production is 4,000,000 cubic yards. Yearly anticipated production is 80,000 cubic yards per year.

**M-3 EXCAVATION DEPTH**

Depth of excavation shall not exceed 40 feet.

**M-4 ESTIMATED LIFE OF OPERATION**

Project shall terminate October 31, 2043.

**M-5 SUBSEQUENT REVIEW**

Surface mining permit and Frink Springs Sand and Gravel Reclamation Plan shall be subject to review every ten years beginning in the October 31, 2003, to insure compliance with new federal, state, and County polices, laws and regulations including the Surface Mining and Reclamation Act.

**M-6 DIVISION OF MINES AND GEOLOGY**

The operator shall work with the County and State Division of Mines and Geology to ensure compliance with the Surface Mining and Reclamation Act of 1975 and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations Title 14, Chapter 8, Article 1, Section 3500 et seq.).

**M-7 VALIDITY OF OWNERSHIP**

Approval of the permit shall not now nor in the future serve as determination of the ownership nor the validity of any lease, mining claim or water rights to which it may relate.

**WATER WELL CONDITIONS:**

**W-1 WITHDRAWAL LIMIT**

The Conditional Use Permit (CUP) allows the Permittee to draw a maximum of 4.99 acre feet of water per year, for on-site dust control purposes only. Exceeding the amount of water specified herein may result in action by the Planning Department to rescind the CUP for noncompliance.

**W-2 WATER FOR ONSITE USE ONLY**

Water shall not be sold, exported, or transported off the site except for use as dust control within the project area and on access roads.

**W-3 FLOW METER**

A flow meter shall be installed and sealed by the water well drilling contractor. Permittee shall submit an annual report to the Department of Public Works and the Planning Department indicating the total amount of water consumed yearly by the permittee. The report shall be received within thirty (30) days following the anniversary date of the issuance of the Conditional Use Permit.

**W-4 STATE LICENSED CONTRACTOR**

The well shall be drilled by a California State Licensed drilling contractor. Permittee shall provide the name and contractor's license number to the Planning Department prior to the water well being drilled. Permittee shall submit well driller's logs including all well dimensions to the Public Works and to the Planning Department within ninety (90) days following the drilling of the well.

**W-5 SITE PLAN REQUIREMENTS**

A site plan shall be prepared according to County Ordinance Section 56353.a and submitted to Environmental Health Services and Planning/Building Department for their review and approval prior to drilling the water well.

**W-6 SLANT DRILL**

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

**W-7 LEGAL DESCRIPTION**

This Permit is issued on property described as follows:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 21,  
TOWNSHIP 9 SOUTH, RANGE 13 EAST, SBB&M; PARCEL NO. 003-360-  
18-01.

**W-8 RIGHT TO SECURE WELL**

If the subject well is abandoned by Permittee without being secured or sealed or if the well is found to be a potential health or safety hazard the Building Official is hereby authorized to secure said well in a manner acceptable to the Building Official. Any cost incurred by the County Planning/Building Department as a result of such action shall be borne by the property owner of record, and if not paid shall become a lien against the property and/or the property owner's personal possession.

**W-9 WELL ABANDONMENT**

If the water well is abandoned for more than 360 days, the Permittee shall cap the well according to standards set by the State and in a manner acceptable to the County Building Official. Abandonment is defined as follows:

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

#### W-10 WELL CONSTRUCTION

Construction of the well shall be in accordance with Bulletin 74-81 Water Well Standards-State of California, and the County's Water Well Ordinance.

f:\word\WASTERCUP.CUP

Adopted by the Planning Commission 10/13/93



**Attachment E.**  
**Applicants Request for Time Extension Letter**

**Cal Grade, Inc.**  
1610 E. Main Street  
Brawley, CA 92227

**RECEIVED**

MAR 07 2023

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

March 3, 2023

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

RE: Conditional Use Permit No. 1095-93

Dear Mr. Luis Valenzuela,

We are requesting a 15-year extension for Reclamation Plan No. 1095-93 Frink Springs Pit located at APN #003-360-018-000.

We are initiating the process now because of your letter dated December 17, 2021, in which our current permit will expire on November 4, 2023.

The following is the conditions for compliance:

**General Conditions**

**G-1 Cost:** Cal Grade, Inc. has paid any and all amounts determined by the County Planning/Building Department to defray any and all costs(s) for a review of reports, field investigations, monitoring, and other activities related to compliance with the Reclamation Plan, County Ordinances and/or any other laws that apply.

**G-2 Permits/Licenses:** Cal Grade, Inc. has obtained all County, State and Federal permits and comply with all laws, rules, regulations and/or standards as they may pertain to Frink Springs Pit.

**G-3 Recordation:** Cal Grade, Inc. has paid all recordation fees required by the County of Imperial.

**G-4 Compliance/Revocation:** Cal Grade, Inc. believes that it is in compliance with all of the conditions of Conditional Use Permit.

**G-5 Indemnification:** Cal Grade, Inc. has provided a certificate of insurance listing the County of Imperial as additional insured to defend, indemnify hold harmless, and release the County, its agents, officers, attorney, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the permit or adoption of the environmental document which accompanies it.

**G-6 Provisions to run with the land/project:** Cal Grade, Inc. understands that if a new operator succeeds to the interest of the Operator in the operation by sale, assignment, transfer conveyance, exchange or other means, the successor shall be bound by the provisions of the approved Conditional Use Permit and shall notify the Imperial County Planning & Building Department within 60 days of such change of interest.

**G-7 Severability:** Cal Grade, Inc. is not aware of any court proceedings that invalidate the provisions of this plan.

**G-8 Right of Entry:** Cal Grade, Inc. has always maintained an open door to County personal for any inspections to determine if Cal Grade, Inc. follows the reclamation conditions of the CUP.

**G-9 Time Limit:** Cal Grade, Inc. has always tried to be compliant with conditions due to time limits and requested extensions and paid appropriate fees. Cal Grade, Inc. is now requesting a 15-year extension.

**G- 10 Definitions:** Cal Grade, Inc. will work with County of Imperial planning commission to work through any dispute between parties. And if an agreement is not available will make an appeal to the Board of Supervisors with the required time.

**Mining Permit Conditions**

**M-1 Access Road:** Cal Grade, Inc. has maintained the access road to the pit as required the BLM, private property owner, and Imperial County public works. We have a paved access off Frink Road to access road.

**M-2 Anticipated Production:** Total anticipated production is 4,000,000 cubic yards. Cal Grade, Inc. has not exceeded the annual production of 80,000 cubic yards per year.

**M-3 Excavation Depth:** The maximum depth of mine excavation shall not exceed 40 feet and Cal Grade, Inc. has not exceeded that requirement.

**M-4 Estimated Life of Operation:** Project shall terminate October 31, 2043 unless mine area is not completely mined out and proper extensions and hearings be requested to the County of Imperial for possible extension.

**M-5 Subsequent Review:** Cal Grade, Inc. believes that Frink Springs Sand and Gravel Reclamation Plan has been reviewed every 10 years beginning October 31, 2003 and has complied with federal, state, and County polices, laws, and regulations including the Surface Mining and Reclamation Act.

**M-6 Divisions of Mines and Geology:** Cal Grade, Inc. works with the County and State Division of Mines and Geology to insure compliance with the Surface Mining and Reclamation Act of 1975 and the State Mining and Geology Board regulations.

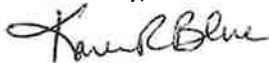
**M-7 Validity of Ownership:** Current ownership will determine the validity of any lease, mining claim, or water rights to which it may relate.

**Water Well Conditions:** W1-10 Cal Grade, Inc. currently not using onsite water wells. Cal Grade, Inc. is currently getting water for operations and dust control through Coachella Valley Water District.

Cal Grade, Inc. confirms that they are in compliance with the conditions of the CUP #1095-93.

If you should have any questions, please feel free to contact me at (760)344-9500 or through email [kblue@calgrade.com](mailto:kblue@calgrade.com).

Sincerely,



Karen R. Blue  
President  
Cal Grade, Inc.  
1610 E. Main Street  
Brawley, CA 92227

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**MAR 07 2022**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

March 2, 2022

CAL-GRADE, INC  
1610 EAST MAIN STREET  
BRAWLEY, CA 92227

RE: FRINK SPRINGS PIT CUP #1095-93

I, Sandra Rivas approve the fifteen year extension for CUP #1095-93. If the county would like any further documentation from me, they can reach me at the below email address or by phone.

 3/4/22

Sandra R. Rivas

[Mrsrivas81818@gmail.com](mailto:Mrsrivas81818@gmail.com)

916-534-4072

**Attachment F.  
Comment Letters**





March 21, 2023

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

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MAR 21 2023

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

SUBJECT: Time Extension 23-0004 – Cal Grade, Inc.

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Time Extension ("EXT") 23-0004 ("Project"). The Project would allow for a fifteen (15) year time extension for Conditional Use Permit ("CUP") 1095-93, which allows the operation of the Frink Springs Sand and Gravel Pit located at Assessor's Parcel Number 033-360-018.

Upon reviewing its records, the Air District has identified multiple active permits #2458, #2144, and #3950, the applicant has for its operations across multiple locations including the Frink Springs Sand and Gravel Pit. The Air District concludes that maintaining these active permits supports the applicant's compliance with section G-2 PERMITS/LICENSES of the CUP with respect to the Air District. The Air District 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.

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 I

  
Monica N. Soucier  
APC Division Manager

## John Robb

---

**From:** Valerie Grijalva  
**Sent:** Thursday, March 23, 2023 3:35 PM  
**To:** John Robb  
**Cc:** Aimee Trujillo; Allison Galindo; Kamika Mitchell; Laryssa Alvarado; Maria Scoville; Melina Rizo; Rosa Soto; Valerie Grijalva  
**Subject:** RE: EXT23-0004 Cal Grade, Inc.

Good Afternoon John,

Please process Comment Letter.

Print, date stamp, scan save, and place copy in file.

Thank you,

Valerie

**From:** Ana L Gomez <[analgomez@co.imperial.ca.us](mailto:analgomez@co.imperial.ca.us)>  
**Sent:** Thursday, March 23, 2023 2:29 PM  
**To:** Luis Valenzuela <[luisvalenzuela@co.imperial.ca.us](mailto:luisvalenzuela@co.imperial.ca.us)>  
**Cc:** ICPDSCCommentLetters <[ICPDSCCommentLetters@co.imperial.ca.us](mailto:ICPDSCCommentLetters@co.imperial.ca.us)>; Margo Sanchez <[MargoSanchez@co.imperial.ca.us](mailto:MargoSanchez@co.imperial.ca.us)>; Sandra Mendivil <[SandraMendivil@co.imperial.ca.us](mailto:SandraMendivil@co.imperial.ca.us)>  
**Subject:** EXT23-0004 Cal Grade, Inc.

Good afternoon Mr. Valenzuela,

We have no comments on this project.

Thanks,

**Ana Gomez**

Agricultural Biologist/Standards Specialist  
Special Projects Division  
Imperial County Agricultural Commissioner  
Sealer of Weights and Measures  
(442) 265-1500  
[analgomez@co.imperial.ca.us](mailto:analgomez@co.imperial.ca.us)

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MAR 23 2022  
IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES



Public Works works for the Public

COUNTY OF  
IMPERIAL

DEPARTMENT OF  
PUBLIC WORKS

155 S. 11th Street  
El Centro, CA  
92243

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

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March 22, 2023

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

Attention: Luis Valenzuela, Planner I

**SUBJECT: TE 23-0004 for CUP 1095-93  
Cal Grade, Inc.  
Located east of Bonbay Beach and south of Coachella Canal  
APN's 003-360-018**

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on March 14, 2023 for the above mentioned project. The applicant is requesting a fifteen (15) year time extension for already existing CUP1095-93 Frink Springs Pit and Gravel Pit.

Department staff has reviewed the package information and the following comments shall be Conditions of Approval:

- No comments.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:

David Dale, PE, PLS  
Assistant Director of Public Works

GM/gv

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**MAR 23 2022**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

## Valerie Grijalva

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**From:** Jill McCormick <historicpreservation@quechantribe.com>  
**Sent:** Wednesday, March 15, 2023 12:48 PM  
**To:** John Robb; Luis Valenzuela; ICPDSCCommentLetters  
**Subject:** Re: [EXTERNAL]:Request for Review and Comment for EXT23-0004

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

This email is to inform you that we do not wish to comment on this project.

H. Jill McCormick M.A.  
Ft. Yuma Quechan Indian Tribe  
P.O. Box 1899  
Yuma, AZ 85366-1899  
Office: 760-572-2423  
Cell: 928-261-0254

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**MAR 15 2023**  
**IMPERIAL COUNTY**  
**PLANNING & DEVELOPMENT SERVICE**



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**From:** John Robb <JohnRobb@co.imperial.ca.us>  
**Sent:** Tuesday, March 14, 2023 4:00 PM  
**To:** Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ana L Gomez <analgomez@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Ryan Kelley <RyanKelley@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; rkelley@icso.org <rkelley@icso.org>; Fred Miramontes <fmiramontes@icso.org>; mdeleon@icso.org <mdeleon@icso.org>; Donald Vargas (dvargas@iid.com) <dvargas@iid.com>; bombaybeach2015@gmail.com <bombaybeach2015@gmail.com>; Jimm Barrett <jbarrett@cvwd.org>; incoming@cvwd.org <incoming@cvwd.org>; carol.atkins@conservation.ca.gov <carol.atkins@conservation.ca.gov>; roger.sanchez-rangel@dot.ca.gov <roger.sanchez-rangel@dot.ca.gov>; jmesa@campo-nsn.gov <jmesa@campo-nsn.gov>; marcuscuero@campo-nsn.org <marcuscuero@campo-nsn.org>; Jill McCormick <historicpreservation@quechantribe.com>; Gabby Emerson <tribalsecretary@quechantribe.com>  
**Cc:** Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Diana

Robinson <DianaRobinson@co.imperial.ca.us>; Jim Minnick <JimMinnick@co.imperial.ca.us>; Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; Allison Galindo <allisongalindo@co.imperial.ca.us>; Kamika Mitchell <kamikamitchell@co.imperial.ca.us>; Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Melina Rizo <melinarizo@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>  
**Subject:** [EXTERNAL]:Request for Review and Comment for EXT23-0004

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon,

Please see attached Request for Comments packet for **EXT23-0004 APN 003-360-018-000** Cal Grade, Inc.

Comments are due by **March 24<sup>th</sup> 2023 at 5:00PM.**

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

Should you have any questions, please feel free to contact Luis Valenzuela at (442) 265-1736, or submit your comment letters to [ICPDScommentletters@co.imperial.ca.us](mailto:ICPDScommentletters@co.imperial.ca.us).

Thank you,

**John Robb**  
**Office Assistant III**  
Imperial County Planning & Development Services  
801 Main Street  
El Centro, CA 92243  
(442) 265-1736  
(442) 265-1735 (Fax)  
[JohnRobb@co.imperial.ca.us](mailto:JohnRobb@co.imperial.ca.us)

