

PROJECT REPORT

TO: PLANNING COMMISSION
FROM: PLANNING & DEVELOPMENT SERVICES

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

W.M. Bolthouse Farms, Inc.

PROJECT TYPE: Time Extension #23-0015 for CUP #08-0024 SUPERVISOR DIST # 4

LOCATION: 5337 Lack Road APN: 035-070-018-000

Westmorland, CA 92281 PARCEL SIZE: 39.55-AC

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

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

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 02-14-2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: _____

INITIAL STUDY: _____

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

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 #23-0015 FOR CONDITIONAL USE PERMIT #08-0024 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 #23-0015 FOR CONDITIONAL USE PERMIT #08-0024 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND,
3. APPROVE TIME EXTENSION #23-0015 FOR CONDITIONAL USE PERMIT #08-0024 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
February 14, 2024

Project Name: **Time Extension (EXT) #23-0015 for CUP #08-0024**

Applicant: **W.M. Bolthouse Farms, Inc.**
 7200 East Brundage Lane
 Bakersfield, CA 93307

Project Location:

The existing carrot washout and hydration facility with a seasonal truck staging area for a portion of the year is located at 5337 Lack Road, Westmorland, CA, in an unincorporated area of the County of Imperial. It is approximately 39.55 acres, bounded by U.S. Highway 86 (CA SR-86) on the South and Lack Road on the East. The project site is surrounded by parcels zoned A-2 (General Agricultural) on the North, South, East, and West. The subject property is further identified as Portion of Northeast Quarter of East Half of Tract 187, Townsite 13 South, Range 13 East, of the San Bernardino Base and Meridian (S.B.B.M.) with Assessor's Parcel Number 035-070-018-000 and located approximately (1) one mile west of the city limits of the City of Westmorland.

Project Summary:

The applicant, W.M. Bolthouse Farms, Inc., has submitted a time extension request for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #08-0024 for an existing operation of a seasonal truck staging area for a portion of the year, February to March, at Bolthouse Farms' Westmorland, CA carrot washout and rehydration facility.

Should the time extension be approved, Conditional Use Permit #08-0024 will be subject to three (3) year time extensions, and subsequently every three (3) years until October 20, 2038, when a new (15) fifteen-year term will be required. After a thorough review of the project file, compliance report, and photos from a compliance inspection performed on December 12, 2023, it can be determined that CUP #08-0024 complies with the CUP's conditions of approval and applicable County Land Use regulations.

Project Background:

- CUP #08-0024 was approved by the Imperial County Planning Commission on September 24, 2008, for a (15) fifteen-year term.
- CUP #08-0024 was recorded on October 20, 2008.
- On October 26, 2023, ICPDS received from W.M. Bolthouse Farms, Inc. a time extension request and a compliance report for a new (15) fifteen-year term for Conditional Use Permit (CUP #08-0024).
- On December 12, 2023, a compliance inspection to the project site was performed. Property was found in compliance, in good conditions, and well-maintained.

Land Use Analysis:

Per Imperial County’s General Plan, the land use designation for this project is “Agriculture” and zoned as A-2 (General Agricultural) per Zoning Map #7 of the Imperial County Title 9 Land Use Ordinance. Per County’s Land Use Ordinance (Title 9), Division 5, Section 90508.02, Subsection (c), Agricultural related trucking business (trucking predominantly agricultural products) is allowed in an A-2 (General Agricultural) zone through an approved Conditional Use Permit (CUP). The proposed project is consistent with the County’s General Plan, County’s Land Use Ordinances (Title 9).

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Carrot washout and rehydration facility/Trucking staging area	A-2 (General Agricultural)	Agriculture
North	Agricultural Field	A-2 (General Agricultural)	Agriculture
South	Agricultural Field/Residential	A-2 (General Agricultural)	Agriculture
East	Agricultural Field	A-2 (General Agricultural)	Agriculture
West	Agricultural Field	A-2 (General Agricultural)	Agriculture

Environmental Determination:

Time Extension #23-0015 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 #23-0015 for Conditional Use Permit #08-0024 is consistent with applicable zoning and building ordinances; and
3. Approve Time Extension #23-0015 for Conditional Use Permit #08-0024 for a new 15-year term, subject to the existing conditions.

Prepared By: Gerardo A. Quero, Planner II

#345

Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director

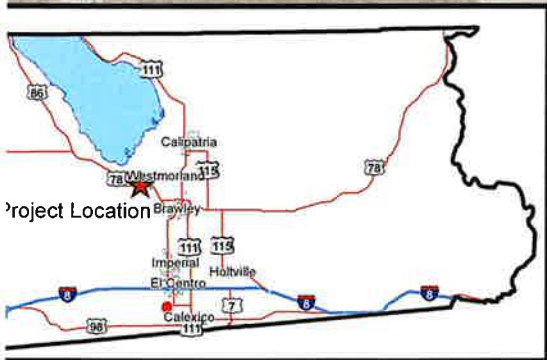
Approved By: Jim Minnick, Planning & Development Services Director

Attachments:

- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolutions
- D. Previously Approved Conditional Use Permit CUP#08-0024
- E. Time Extension Request Documentation
- F. Comment Letters

Attachment “A”
Vicinity Map

PROJECT LOCATION MAP



WM BOLTHOUSE FARMS INC.
EXT#23-0015 FOR CUP# 08-0024
APN 035-070-018-000

 Project Location
 Centerline

N



Attachment “B”
Site Plan

Attachment “C”
Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “TIME EXTENSION #23-0015” FOR A NEW (15-YEAR) TERM UNDER “CONDITIONAL USE PERMIT #08-0024” FOR W.M. BOLTHOUSE FARMS, INC.

WHEREAS, W.M. Bolthouse Farms, Inc. has submitted Time Extension #23-0015 requesting a new 15-year term for an existing operation of a seasonal truck staging area for a portion of the year, February to March, at Bolthouse Farm’s Westmorland, CA carrot washout and rehydration facility; and,

WHEREAS, this seasonal truck staging area operation was previously approved under Conditional Use Permit #08-0024; 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 February 14, 2024; and,

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

SECTION 1. The Planning Commission has considered the proposed Time Extension #23-0015 request for Conditional Use Permit #08-0024 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #08-0024 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 #23-0015 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 “Agriculture”. This site is zoned A-2 (General Agricultural) per Zoning Map #7 of the Imperial County Title 9 Land Use Ordinance. The Time

Extension request is found consistent with the approved Conditional Use Permit #08-0024 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 90508.02, subsection (c), which authorizes an agricultural related trucking business (trucking predominantly of agricultural products) 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 seasonal truck staging area operation is consistent with the definition of Land Use Ordinance, Section 90508.02, subsection (c), 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 seasonal truck staging area operation complies with the minimum requirements of this Title and with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, Section 90508.02, subsection (c), which authorizes an agricultural related trucking business (trucking predominantly of agricultural products) 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 #08-0024, General Condition 7 (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/Building 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. 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 request with the Planning Director for a hearing before the Planning Commission. An extension may not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. Therefore, the existing Conditional Use Permit (CUP #08-0024) 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 seasonal truck staging area for a portion of the year, February to March, at Bolthouse Farm's Westmorland, CA carrot washout and rehydration facility will operate as established on Specific Condition S-1 from previously approved Conditional Use Permit (CUP #08-0024). This use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

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

The project consists of the request of a new fifteen (15) year term for the existing Conditional Use Permit (CUP #08-0024) 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 seasonal truck staging area operation is a permitted use subject to previously approved Conditional Use Permit #08-0024, pursuant to the Land Use Ordinance, Division 5, Section 90508.02, subsection (c), which authorizes an agricultural related trucking business (trucking predominantly of agricultural products) only through a Conditional Use Permit when approved by the County. The existing Conditions of Approval will continue to ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Additionally, pursuant to CUP #08-0024, General Condition 7 (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) years by the Planning Director upon finding by the Planning/Building 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. 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 request with the Planning Director for a hearing before the Planning Commission. An extension may not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. The existing Conditional Use Permit (CUP #08-0024) meets the minimum requirements of the Land Use Ordinance of Imperial County; therefore, the proposed time extension (EXT #23-0015) for Conditional Use Permit (CUP #08-0024) will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #23-0015 for a new 15-year term under Conditional Use Permit #08-0024, 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 February 14, 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#08-0024

When Recorded Return To:

Dolores Provencio
County Clerk / Recorder

IMP County of Imperial

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

Doc#: **2008 - 029960**

Titles: 1 Pages: 11



Fees	37.00
Taxes	0.00
Other	0.00
PAID	\$37.00

**AGREEMENT FOR CONDITIONAL USE PERMIT #08-0024
SUPERCEDING CONDITIONAL USE PERMIT #99-0020
W.M. BOLTHOUSE FARMS
(September 24, 2008 Planning Commission)**

This Agreement is made and entered into on this 24th of September, 2008, by and between W.M. Bolthouse, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as NE ¼ of E ½ of Tract 187 Township 13 South, Range 13 East, S.B.B.M., also known as Assessor's Parcel Number 035-070-016/017-000; and

WHEREAS, W.M. Bolthouse Farms, and/or any subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit (CUP). This Conditional Use Permit Agreement #08-0024 supersedes Conditional Use Permit Agreement #99-0020 and any other prior Conditional Use Permit Agreements. In the event of a conflict between the attached CUP Agreement and conditions, these conditions govern.

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WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #08-0024 as amended to Permittee, and/or his or her successor in interest subject to the following conditions:

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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. Any billing against this project, now or in the future, by the Planning/Building Department or any County Department for costs incurred as a result of this Permit, shall be billed through the Planning/Building Department.

G-2 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state, and/or federal permits, licenses, contracts, 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 likewise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of such additional permit and/or approvals to the Planning/Building Department within 30 days of receipt as requested.

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 within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180 day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G-4 COMPLIANCE/REVOCAION:

Upon the determination by the Planning/Building 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 due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-5 PROVISION TO RUN WITH LAND:

The provision 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

1 project. Permittee shall not with out prior notification to the Planning/Building
2 Department assign, sell, or transfer, or grant control of project or any right or privilege
3 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
4 proposed transfer becoming effective. The permitted use identified herein is limited for
5 use upon these parcels as described.

6 **G-6 RIGHT OF ENTRY:**

7 The County reserves the right to enter the premises at any time, announced or
8 unannounced, in order to make the appropriate inspection(s) and to determine if the
9 condition(s) of this permit are complied with. Access to authorized enforcement agency
10 personnel shall not be denied.

11 **G-7 TIME LIMIT:**

12 Unless otherwise specified within the project specific conditions this project shall be
13 limited to a maximum of (3) three years from the recordation date of the CUP. The CUP
14 may be extended for successive three (3) year(s) by the Planning Director upon a
15 finding by the Planning/Building Department that the project is in full and complete
16 compliance with all conditions of the CUP and any applicable land use regulation(s) of
17 the County of Imperial. Unless specified otherwise herein no conditional use permit
18 shall be extended for more than four consecutive periods. If an extension is necessary
19 or requested beyond fifteen years, Permittee shall file a written request with the
20 Planning Director for a hearing before the Planning Commission. Such request shall
21 include the appropriate extension fee. An extension shall not be granted if the project is
22 in violation of any one or all of the conditions or if there is a history of non-compliance
23 with the project conditions.

24 **G-8 DEFINITIONS:**

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

G-9 SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or operate this
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 modification to
this project.

G-10 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the
public, the County Health Officer may require appropriate measures and the Permittee

1 shall implement such measures to mitigate the health hazard. If the hazard to the public
2 is determined to be imminent, such measures may be imposed immediately and may
3 include temporary suspension of the subject operations. However, within 45 days of
4 any such suspension of operations, the measures imposed by the County Health Officer
5 must be submitted to the Planning Commission for review and approval. Nothing shall
6 prohibit Permittee from requesting a special Planning Commission meeting provided
7 Permittee bears all costs.

8 **G-11 INDEMNIFICATION:**

9 As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and
10 release the County, its agents, officers, attorneys, and employees from any claim,
11 action, or proceeding brought against any of them, the purpose of which is to attack, set
12 aside, void, or annul the Permit or adoption of the environmental document which
13 accompanies it. This indemnification obligation shall include, but not be limited to,
14 damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted
15 by any person or entity, including the applicant arising out of or in connection with the
16 approval of this application, including any claim for private attorney general fees claimed
17 by or awarded to any party from the County.

18 **G-12 CHANGE OF OWNER/OPERATOR:**

19 In the event the ownership of the site or the operation of the site transfers from the
20 current Permittee to a new successor Permittee, the successor Permittee shall be
21 bound by all terms and conditions of this Permit as if said successor was the original
22 Permittee. Current Permittee shall inform the County Planning/Building Department in
23 writing at least 60 days prior to any such transfer. Failure of a notice of change of
24 ownership or change of operator shall be grounds for the immediate revocation of the
25 CUP. In the event of a change, the new Owner/Operator shall file with the Department,
26 via certified mail, a letter stating that they are fully aware of all conditions and
27 acknowledge that they will adhere to all. If this Permit or any subservient or associated
28 permit requires financial surety, the transfer of this Permit shall not be effective until the
new Permittee has requisite surety on file. Furthermore, existing surety shall not be
released until replacement surety is accepted by Imperial County. Failure to provide
timely notice of transfer by Permittee shall forfeit current surety.

G-13 COMMENCEMENT OF WORK:

No commencement of work until all conditions pursuant to the CUP has been satisfied.
Evidence that all conditions pursuant to the CUP have been satisfied shall be provided
to the Planning Director prior to commencement.

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SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION:**

This permit authorizes the development and operation of a truck staging area for a portion of the year, e.g. February through May. The operations on-site are to adjust vehicle weights to legal limits and for product rehydration and tarping. The access to the site will be from Lack Road and there will not be long term truck parking on-site with the applicant stating "80 trucks will pass through the site over a 12-15 hour period each harvest day...generally the truck frequency through the site is expected to be approximately 5-6 units per hour...The wash down water will be collected and reused. Ultimate disposal will be on-site, primarily as dust control...". Above-ground equipment will be placed on-site to wash field dirt off the carrots brought into property, to reduce load weight for hauling from Imperial County to Bolthouse's processing plants in Bakersfield, CA. Also, two ponds/sumps will be created as part of their process. Field dirt will be stored on-site and hauled away at the end of crop season. This permit does not authorize any use other than that specified herein.

S-2 ENCROACHMENT PERMIT/PAVING:*

An encroachment permit(s) shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveways that may be necessary to access the property. Permittee shall use Drawing No. 2-131A, detail of commercial driveway to County Road connection. The driveway apron should be maintained in a dust-free manner and safe for truck access. The Permittee has agreed to pave at least 100 feet onto the site from Lack Road.

S-3 ACCESS TO /SITE:*

All access driveways and other required parking is to be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality. Upon approval of Air Pollution Control District (APCD) and the Department of Public Works, Permittee shall implement required improvements.

S-4 APCD DUST CONTROL: *

Internal operations of the site shall be maintained dust-free by water or other control measures approved by Air Pollution Control District or Public Works.

S-5 AIR QUALITY PERMITS:

The landowner shall get all required permits from Air Pollution Control District and/or other applicable agency(s).

1 **S-6 VEHICLE EMISSIONS COMPLIANCE:**

2 Permittee shall ensure that all vehicles used in the operation of the project (on-site
3 vehicles, transport trucks, and other applicable motorized equipment) shall be in
4 compliance with all local, state and federal, clean air laws and regulations at all times.

5 **S-7 WATER & SEWER:**

6 Permittee shall secure or provide water and sewer in compliance with County, State and
7 Federal Regulations. The Permittee shall secure in writing from Imperial Irrigation
8 District the availability of water. The Permittee shall secure from Imperial County
9 Environmental Health Services Department requirements on an acceptable method
under the law to serve the site pursuant to applicable laws. The Permittee shall install
all necessary improvements/infrastructure for water and sewer as required by
Environmental Health Services.

10 **S-8 POTABLE WATER:**

11 A potable water supply shall be installed as required and approved by Environmental
12 Health Services. As necessary, provide a letter from EHS prior to any building permits
13 being issued, that any additional systems are installed with the minimum pressure water
supply pipe of a diameter conforming to County standards.

14 **S-9 HAZARDOUS MATERIALS DISPOSAL:**

15 Any truck spills shall meet all applicable County, State and Federal regulations for the
16 disposal of hazardous materials. The Permittee shall work with Environmental Health
17 Services to insure proper safeguards are in place to prevent hazardous waste such as
18 motor oil, grease, lubricants, fuels, etc., from being released into the environment.
19 Permittee shall additionally development EHS approved procedures for the cleanup,
notification, and disposal of hazardous material. All spills of hazardous or non-
hazardous materials shall be cleaned up immediately. There shall remain on-site
sufficient tools and materials to clean up spills on permeable surfaces.

20 All spills of hazardous materials shall be reported, with "major" spills defined as >5
21 gallons of fuel or lubricants, and >1 gallon for coolant, solvents, and brake fluid. Said
22 "major" spills shall further be defined as spills meeting the above quantities at any one
23 time or cumulative over the life of the project. All spills shall be documented and
reported to Environmental Health Services Department. All hazardous waste including
used oil and used oil filters shall be kept within fully contained areas proper disposal.

24 **S-10 REPORTING:**

25 Permittee shall provide an annual report or statement to the Planning/Building
26 Department to show compliance with the conditions herein.

S-11 RESPONSIBLE AGENT:

Permittee shall maintain on file with the Planning/Building Department the name and phone number of the responsible agent for the site. A backup name shall also be provided, and a phone number for 24 hour emergency contact shall also be on file.

S-12 FIRE SAFETY:**

The Permittee shall ensure that all access to the facility will remain as all weather surfaces and provide an Imperial County Standard Draft Hydrant at their existing water storage cistern. Permittee shall provide a letter from Imperial County Fire Chief to show that the Facility is in compliance with the fire protection systems necessary and required by Code for this Facility. The Fire Chief on an annual basis shall be subject to fire prevention inspections and any written report of any violations shall be filed with the Planning/Building Department.

S-13 IMPERIAL IRRIGATION DISTRICT IRRIGATION AND DRAINAGE:****

The Permittee, shall comply with all Imperial Irrigation District rules and standards, with regard to the project 's affect on District canal or drainage system.

- If additional pipe crossings are required a District Encroachment Permit shall be necessary.
- Any drainage resulting from the project must first be retained on site and then be discharged through an approved drainage outlet facility. For industrial facilities this includes a backflow prevention device.
- Non-farm water use must meet the current potable water requirements of the District, County and all State and Federal regulatory agencies.

The Permittee shall obtain all required permits from the Department of Public Works, CALTRANS, Imperial Irrigation District and other applicable agency(s).

S-14 PONDS/SUMPS

The permittee shall be allowed to place two ponds/sumps on property of approximately 30,000 cubic yards each and a small clarifying/pump sump of approximately 10,000 cubic yards. Total of 70,000 cubic yards. The permittee is required to secure a grading permit prior to establishing the proposed ponds/sumps.

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S-15 DIRT STORAGE

The permittee shall be allowed to store additional field dirt on-property. Field dirt shall be hauled away at the end of each crop season. All dirt stored on property is to be properly attended to in order to establish dust control.

*Public Works Condition
**Fire/OES Condition
***EEC/CALTRANS Condition
****Imperial Irrigation District letter January 26, 2000

The balance of this page was intentionally left blank!

1 **NOW THEREFORE**, County hereby issues Conditional Use Permit # 08-0024
2 and Permittee hereby accepts such permit upon the terms and conditions set forth
3 herein:

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

6 Permittee COUNTY OF IMPERIAL, a political
7 subdivision of the STATE OF CALIFORNIA

8 By: Charles Seitz By: Darrell Gardner
9 Charles Seitz, Agent for Darrell Gardner,
10 Wm. Bolthouse Farms, Inc. Asst. Planning & Dev Services Director

11 Dated 10/17/08
12 State of California
13 County of Imperial

14 On OCTOBER 17, 2008 before me,
15 PATRICIA A. VALENZUELA a Notary Public in and for
16 said County and State, personally appeared
17 CHARLES FRANKLIN SEITZ, II, who proved to me on the
18 basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
19 the within instrument and acknowledged to me that he/she/they executed the same in
20 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
21 instrument the person(s), or the entity upon behalf of which the person(s) acted,
22 executed the instrument.

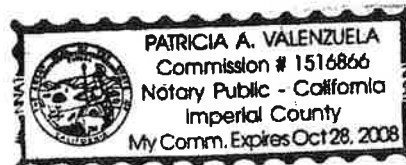
23 I Certify under PENALTY OF PERJURY under the laws of the State of California that
24 the foregoing paragraph is true and correct.

25 WITNESS my hand and official seal

26 Signature Patricia A. Valenzuela

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

29 Title or Type of Document Conditional Use Permit
30 Number of Pages 11 Date of Document —
31 Signer(s) Other Than Named Above —



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

3 On OCTOBER 17, 2008 before me,
4 PATRICIA A. VALENZUELA a Notary Public in and for
said Imperial County and Imperial State, personally appeared
5 DARRELL GARDNER, who proved to me on the
6 basis of satisfactory evidence to be the person~~s~~ whose name~~s~~ ~~is/are~~ subscribed to
7 the within instrument and acknowledged to me that he/~~she~~/they executed the same in
8 his/~~her~~/their authorized capacity~~(ies)~~, and that by his/~~her~~/their signature~~s~~ on the
9 instrument the person~~s~~, or the entity upon behalf of which the person~~s~~ acted,
10 executed the instrument.

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

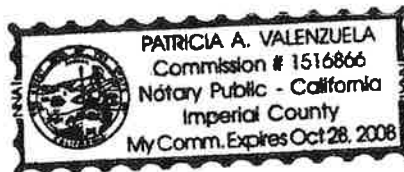
13 WITNESS my hand and official seal

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19 Signer(s) Other Than Named Above

20 S:\APN FILES\035\070\016\CUP #08-0024 Amendment to CUP #99-0020.doc



CONDITIONAL USE PERMIT

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

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

1. PROPERTY OWNER'S NAME WM BOLTHOUSE FARMS, INC	EMAIL ADDRESS mikek@bolthouse.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 7200 E. BRUNDAGE LN / BAKERSFIELD / CA	ZIP CODE 93307	PHONE NUMBER <small>CONTACT: MIKE KAVANOVICH</small> (661) 366-7205 / EXT 1658
3. APPLICANT'S NAME CHARLES SEITZ	EMAIL ADDRESS cseitz@bolthouse.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 660 WEST MAIN ROAD / EL CENTRO / CA	ZIP CODE 92243	PHONE NUMBER (760) 356-4567
4. ENGINEER'S NAME WILLIAM HUYLER	CA. LICENSE NO. C34, 837	EMAIL ADDRESS bill@jblassociates.org
5. MAILING ADDRESS (Street / P O Box, City, State) 780 N. 4TH ST, EL CENTRO / CA	ZIP CODE 92243	PHONE NUMBER (760) 352-2105

6. ASSESSOR'S PARCEL NO. 035-070-016	SIZE OF PROPERTY (in acres or square foot) 19.70 AC	ZONING (existing) A-2
7. PROPERTY (site) ADDRESS NW CORNER OF LAKES ROAD + HIGHWAY 86, WEST HOLLAND, CA		
8. GENERAL LOCATION (i.e. city, town, cross street) 1 MILE WEST OF TOWN OF WEST HOLLAND, @ NW CORNER OF LAKES RD + HIGHWAY 86		
9. LEGAL DESCRIPTION 035-070-016 / POR OF E 1/2 OF NE 1/4 OF E 1/2 TRACT 187/T 135/R 13E 035-070-017 / POR OF W 1/2 OF NE 1/4 OF E 1/2 TRACT 187/T 135/R 13E		

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

10. DESCRIBE PROPOSED OF PROPERTY (list and describe in detail)	PLEASE SEE ATTACHED MEMO, DATED 6/11/08, "REQUESTED ADDITIONAL USES TO CUP"
11. DESCRIBE CURRENT USE OF PROPERTY	PLEASE SEE MEMO - 6/11/08 - "EXISTING USES UNDER CUP"
12. DESCRIBE PROPOSED SEWER SYSTEM	EXISTING SEPTIC TANK - PLEASE SEE SECTION 7 OF CUP
13. DESCRIBE PROPOSED WATER SYSTEM	EXISTING CISTERN + PUMP + PRIOR APPROVED POTABLE WATER SYSTEM. PLEASE SEE SECTION 8 OF CUP
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	HONG KONG COUNTY FIRE DEPT
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 12

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Derek Yurosek Print Name VP. OF OPERATIONS	8/11/08 Date
KEVIN HANSON Print Name CHIEF FINANCIAL OFFICER	8/11/08 Date
Signature _____	Signature _____

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

CUP #
08-0024

Attachment “E”
Time Extension Request Documentation



RECEIVED

OCT 26 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Memorandum

To: Gerardo Quero
Planning & Development Services Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

Re: Request for New 15-Year Conditional Use Permit #08-0024 (copy enclosed)
Name of Facility: Bolthouse Farms Westmorland Washout Facility
Location of facility: North-East corner of Lack Road and Highway 86
Westmoreland, California
APN: 035-070-18

From: Patricia Cusicanqui

Date: October 18, 2023

Mr. Quero:

Wm. Bolthouse Farms, Inc. would like to request a new 15-year term for CUP 08-0024 from October 20, 2023 through October 20, 2038.

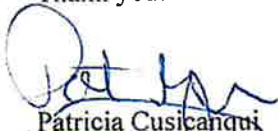
Our Westmorland Washout Facility is located on APN 035-070-18, a 39.50 acre parcel located on the North-East corner of Lack Road and Highway 86.

I've enclosed a CUP Renewal Compliance Affirmation report.

Please find enclosed our company check, in the amount of Twelve Hundred Dollars (\$1200.00), for the CUP renewal.

If everything is in order, please send the renewal to me at the address below. If you have any questions or concerns, please contact me at patricia.cusicanqui@bolthouse.com or 661.232.3337.

Thank you.


Patricia Cusicanqui
Wm. Bolthouse Farms, Inc
7200 East Brundage Lane
Bakersfield, CA 93307

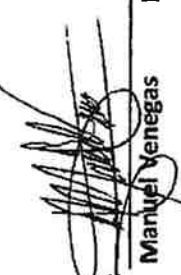
Conditional Use Permit #08-0024 - Compliance Affirmation for CUP Renewal

APN: 035-070-18

Bolthouse Farms - Westmorland Washout Facility
NE Corner of Lack Road & Highway 86

Condition #	Condition Title	Compliant: Yes/No	Explanation Info.
G-1	Costs	Yes	All fees have been paid
G-2	Permits/Licenses	Yes	All required permits/licenses are in place and current
G-3	Recordation	Yes	CUP recorded on 10/20/2008
G-4	Compliance/Revocation	Yes	The facility is compliant
G-5	Provision To Run With Land	Yes	Permit has not been transferred from original permittee
G-6	Right of Entry	Yes	Access has not been denied
G-7	Time Limit	Yes	Applying for New 15-year term.
G-8	Definitions	Yes	No dispute of definitions at this time
G-9	Specificity	Yes	The facility is being utilized as specified
G-10	Health Hazard	Yes	No health hazards have been identified
G-11	Indemnification	Yes	Indemnification is in place
G-12	Change Of Owner/Operator	Yes	No change of owner or operator has occurred
G-13	Commencement Of Work	Yes	Work did not commence until all conditions were satisfied
S-1	Project Description	Yes	The facility is utilized as described
S-2	Encroachment Permit/Paving	Yes	The encroachment permit and paving was addressed as required.
S-3	Access To /Site	Yes	Access to & site surfaces have been addressed as required

Condition #	Condition Title	Compliant: Yes/No	Explanation Info.
S-4	APCD Dust Control	Yes	Dust control at site has been maintained as required
S-5	Air Quality Permits	Yes	Air quality permits are in place and current
S-6	Vehicle Emissions Compliance	Yes	On-site vehicles are compliant
S-7	Water & Sewer	Yes	Water and sewer requirements have been addressed
S-8	Potable Water	Yes	Potable water is provided as required
S-9	Hazardous Materials Disposal	Yes	Hazardous materials are stored, recovered, reported and disposed of as required
S-10	Reporting	Yes	Annual report has been submitted
S-11	Responsible Agent	Yes	Responsible agent information has been maintained
S-12	Fire Safety	Yes	Fire safety requirements have been addressed as specified
S-13	Imperial Irrigation District Irrigation And Drainage	Yes	Facility is in compliance with IID rules and standards for this project.
S-14	Sumps/Ponds	Yes	Grading permit was secured prior to establishing the ponds/sumps
S-15	Dirt Storage	Yes	Facility is in compliance with the dirt storage requirements

Signed: 
Manuel Venegas Director - Imperial Growers

Date: 10-16-2023

When Recorded Return To:

Dolores Provencio
County Clerk / Recorder

IMP County of Imperial

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

Doc#: 2008 - 029960

Titles: 1 Pages: 11



Fees	37.00
Taxes	0.00
Other	0.00
<u>PAID</u>	<u>\$37.00</u>

**AGREEMENT FOR CONDITIONAL USE PERMIT #08-0024
SUPERCEDING CONDITIONAL USE PERMIT #99-0020
W.M. BOLTHOUSE FARMS
(September 24, 2008 Planning Commission)**

This Agreement is made and entered into on this 24th of September, 2008, by and between W.M. Bolthouse, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as NE ¼ of E ½ of Tract 187 Township 13 South, Range 13 East, S.B.B.M., also known as Assessor's Parcel Number 035-070-016/017-000; and

WHEREAS, W.M. Bolthouse Farms, and/or any subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit (CUP). This Conditional Use Permit Agreement #08-0024 supersedes Conditional Use Permit Agreement #99-0020 and any other prior Conditional Use Permit Agreements. In the event of a conflict between the attached CUP Agreement and conditions, these conditions govern.

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WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #08-0024 as amended to Permittee, and/or his or her successor in interest subject to the following conditions:

The remainder of this page is intentionally left blank

1 **GENERAL CONDITIONS:**

2 **G-1 COSTS:**

3 Permittee shall pay any and all amounts as determined by the County to defray all costs
4 for the review of reports, field inspections, or other activities related to compliance with
5 this permit, County Ordinances, and/or other laws that apply. Any billing against this
6 project, now or in the future, by the Planning/Building Department or any County
7 Department for costs incurred as a result of this Permit, shall be billed through the
8 Planning/Building Department.

9 **G-2 PERMITS/LICENSES:**

10 The Permittee shall obtain any and all local, state, and/or federal permits, licenses,
11 contracts, and/or other approvals for the construction and/or operation of this project.
12 This shall include, but not be limited to Health, Building, Sanitation, APCD, Public
13 Works, Sheriff, Regional Water Quality Control Board, Offices of Emergency Services,
14 etc. Permittee shall likewise comply with all such permit requirements for the life of the
15 project. Additionally, Permittee shall submit a copy of such additional permit and/or
16 approvals to the Planning/Building Department within 30 days of receipt as requested.

17 **G-3 RECORDATION:**

18 This permit shall not be effective until it is recorded at the Imperial County Recorders
19 Office, and payment of the recordation fee shall be the responsibility of the Permittee. If
20 the Permittee fails to pay the recordation fee within six (6) months from the date of
21 approval, and/or this permit is not recorded within 180 days from the date of approval,
22 this permit shall be deemed null and void, without notice having to be provided to
23 Permittee. Permittee may request a written extension by filing such a request with the
24 Planning Director at least 30 days prior to the original 180 day expiration. The Director
25 may approve an extension for a period not to exceed 180 days. An extension may not
26 be granted if the request for an extension is filed after the expiration date.

27 **G-4 COMPLIANCE/REVOCAION:**

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

36 **G-5 PROVISION TO RUN WITH LAND:**

37 The provision of this project are to run with the land/project and shall bind the current
38 and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said

1 project. Permittee shall not with out prior notification to the Planning/Building
2 Department assign, sell, or transfer, or grant control of project or any right or privilege
3 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
4 proposed transfer becoming effective. The permitted use identified herein is limited for
5 use upon these parcels as described.

6 **G-6 RIGHT OF ENTRY:**

7 The County reserves the right to enter the premises at any time, announced or
8 unannounced, in order to make the appropriate inspection(s) and to determine if the
9 condition(s) of this permit are complied with. Access to authorized enforcement agency
10 personnel shall not be denied.

11 **G-7 TIME LIMIT:**

12 Unless otherwise specified within the project specific conditions this project shall be
13 limited to a maximum of (3) three years from the recordation date of the CUP. The CUP
14 may be extended for successive three (3) year(s) by the Planning Director upon a
15 finding by the Planning/Building Department that the project is in full and complete
16 compliance with all conditions of the CUP and any applicable land use regulation(s) of
17 the County of Imperial. Unless specified otherwise herein no conditional use permit
18 shall be extended for more than four consecutive periods. If an extension is necessary
19 or requested beyond fifteen years, Permittee shall file a written request with the
20 Planning Director for a hearing before the Planning Commission. Such request shall
21 include the appropriate extension fee. An extension shall not be granted if the project is
22 in violation of any one or all of the conditions or if there is a history of non-compliance
23 with the project conditions.

24 **G-8 DEFINITIONS:**

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

G-9 SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or operate this
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 modification to
this project.

G-10 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the
public, the County Health Officer may require appropriate measures and the Permittee

1 shall implement such measures to mitigate the health hazard. If the hazard to the public
2 is determined to be imminent, such measures may be imposed immediately and may
3 include temporary suspension of the subject operations. However, within 45 days of
4 any such suspension of operations, the measures imposed by the County Health Officer
5 must be submitted to the Planning Commission for review and approval. Nothing shall
6 prohibit Permittee from requesting a special Planning Commission meeting provided
7 Permittee bears all costs.

6 **G-11 INDEMNIFICATION:**

7 As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and
8 release the County, its agents, officers, attorneys, and employees from any claim,
9 action, or proceeding brought against any of them, the purpose of which is to attack, set
10 aside, void, or annul the Permit or adoption of the environmental document which
11 accompanies it. This indemnification obligation shall include, but not be limited to,
12 damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted
13 by any person or entity, including the applicant arising out of or in connection with the
14 approval of this application, including any claim for private attorney general fees claimed
15 by or awarded to any party from the County.

12 **G-12 CHANGE OF OWNER/OPERATOR:**

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

21 **G-13 COMMENCEMENT OF WORK:**

22 No commencement of work until all conditions pursuant to the CUP has been satisfied.
23 Evidence that all conditions pursuant to the CUP have been satisfied shall be provided
24 to the Planning Director prior to commencement.

26 *The balance of this page was intentionally left blank!*

1 **SPECIFIC CONDITIONS:**

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3 **S-1 PROJECT DESCRIPTION:**

4 This permit authorizes the development and operation of a truck staging area for a
5 portion of the year, e.g. February through May. The operations on-site are to adjust
6 vehicle weights to legal limits and for product rehydration and tarping. The access to
7 the site will be from Lack Road and there will not be long term truck parking on-site with
8 the applicant stating "80 trucks will pass through the site over a 12-15 hour period each
9 harvest day...generally the truck frequency through the site is expected to be
10 approximately 5-6 units per hour...The wash down water will be collected and reused.
11 Ultimate disposal will be on-site, primarily as dust control...". Above-ground equipment
12 will be placed on-site to wash field dirt off the carrots brought into property, to reduce
13 load weight for hauling from Imperial County to Bolthouse's processing processing
14 plants in Bakersfield, CA. Also, two ponds/sumps will be created as part of their
15 process. Field dirt will be stored on-site and hauled away at the end of crop season.
16 This permit does not authorize any use other than that specified herein.

17 **S-2 ENCROACHMENT PERMIT/PAVING:***

18 An encroachment permit(s) shall be secured from the Department of Public Works for
19 any and all new, altered or unauthorized existing driveways that may be necessary to
20 access the property. Permittee shall use Drawing No. 2-131A, detail of commercial
21 driveway to County Road connection. The driveway apron should be maintained in a
22 dust-free manner and safe for truck access. The Permittee has agreed to pave at least
23 100 feet onto the site from Lack Road.

24 **S-3 ACCESS TO /SITE:***

25 All access driveways and other required parking is to be surfaced with a minimum of
26 three (3) inches of asphaltic concrete paving or higher quality. Upon approval of Air
27 Pollution Control District (APCD) and the Department of Public Works, Permittee shall
28 implement required improvements.

S-4 APCD DUST CONTROL: *

 Internal operations of the site shall be maintained dust-free by water or other control
 measures approved by Air Pollution Control District or Public Works.

S-5 AIR QUALITY PERMITS:

 The landowner shall get all required permits from Air Pollution Control District and/or
 other applicable agency(s).

S-6 VEHICLE EMISSIONS COMPLIANCE:

Permittee shall ensure that all vehicles used in the operation of the project (on-site vehicles, transport trucks, and other applicable motorized equipment) shall be in compliance with all local, state and federal, clean air laws and regulations at all times.

S-7 WATER & SEWER:

Permittee shall secure or provide water and sewer in compliance with County, State and Federal Regulations. The Permittee shall secure in writing from Imperial Irrigation District the availability of water. The Permittee shall secure from Imperial County Environmental Health Services Department requirements on an acceptable method under the law to serve the site pursuant to applicable laws. The Permittee shall install all necessary improvements/infrastructure for water and sewer as required by Environmental Health Services.

S-8 POTABLE WATER:

A potable water supply shall be installed as required and approved by Environmental Health Services. As necessary, provide a letter from EHS prior to any building permits being issued, that any additional systems are installed with the minimum pressure water supply pipe of a diameter conforming to County standards.

S-9 HAZARDOUS MATERIALS DISPOSAL:

Any truck spills shall meet all applicable County, State and Federal regulations for the disposal of hazardous materials. The Permittee shall work with Environmental Health Services to insure proper safeguards are in place to prevent hazardous waste such as motor oil, grease, lubricants, fuels, etc., from being released into the environment. Permittee shall additionally development EHS approved procedures for the cleanup, notification, and disposal of hazardous material. All spills of hazardous or non-hazardous materials shall be cleaned up immediately. There shall remain on-site sufficient tools and materials to clean up spills on permeable surfaces.

All spills of hazardous materials shall be reported, with "major" spills defined as >5 gallons of fuel or lubricants, and >1 gallon for coolant, solvents, and brake fluid. Said "major" spills shall further be defined as spills meeting the above quantities at any one time or cumulative over the life of the project. All spills shall be documented and reported to Environmental Health Services Department. All hazardous waste including used oil and used oil filters shall be kept within fully contained areas proper disposal.

S-10 REPORTING:

Permittee shall provide an annual report or statement to the Planning/Building Department to show compliance with the conditions herein.

S-11 RESPONSIBLE AGENT:

Permittee shall maintain on file with the Planning/Building Department the name and phone number of the responsible agent for the site. A backup name shall also be provided, and a phone number for 24 hour emergency contact shall also be on file.

S-12 FIRE SAFETY:**

The Permittee shall ensure that all access to the facility will remain as all weather surfaces and provide an Imperial County Standard Draft Hydrant at their existing water storage cistern. Permittee shall provide a letter from Imperial County Fire Chief to show that the Facility is in compliance with the fire protection systems necessary and required by Code for this Facility. The Fire Chief on an annual basis shall be subject to fire prevention inspections and any written report of any violations shall be filed with the Planning/Building Department.

S-13 IMPERIAL IRRIGATION DISTRICT IRRIGATION AND DRAINAGE:****

The Permittee, shall comply with all Imperial Irrigation District rules and standards, with regard to the project 's affect on District canal or drainage system.

- If additional pipe crossings are required a District Encroachment Permit shall be necessary.
- Any drainage resulting from the project must first be retained on site and then be discharged through an approved drainage outlet facility. For industrial facilities this includes a backflow prevention device.
- Non-farm water use must meet the current potable water requirements of the District, County and all State and Federal regulatory agencies.

The Permittee shall obtain all required permits from the Department of Public Works, CALTRANS, Imperial Irrigation District and other applicable agency(s).

S-14 PONDS/SUMPS

The permittee shall be allowed to place two ponds/sumps on property of approximately 30,000 cubic yards each and a small clarifying/pump sump of approximately 10,000 cubic yards. Total of 70,000 cubic yards. The permittee is required to secure a grading permit prior to establishing the proposed ponds/sumps.

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S-15 DIRT STORAGE

The permittee shall be allowed to store additional field dirt on-property. Field dirt shall be hauled away at the end of each crop season. All dirt stored on property is to be properly attended to in order to establish dust control.

- *Public Works Condition
- **Fire/OES Condition
- ***EEC/CALTRANS Condition
- ****Imperial Irrigation District letter January 26, 2000

The balance of this page was intentionally left blank!

1 **NOW THEREFORE**, County hereby issues Conditional Use Permit # 08-0024
2 and Permittee hereby accepts such permit upon the terms and conditions set forth
3 herein:

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

6 Permittee COUNTY OF IMPERIAL, a political
7 subdivision of the STATE OF CALIFORNIA

8 By: Charles Seitz Charles Seitz, Agent for
9 Wm. Bolthouse Farms, Inc.
10 By: Darrell Gardner Darrell Gardner,
11 Asst. Planning & Dev Services Director

12 Dated 10/17/08
13 State of California
14 County of Imperial

15 On OCTOBER 17, 2008 before me,
16 PATRICIA A. VALENZUELA a Notary Public in and for
17 said Imperial County and California State, personally appeared
18 CHARLES FRANKLIN SEITZ, II, who proved to me on the
19 basis of satisfactory evidence to be the person ~~(s)~~ whose name ~~(s)~~ is/~~are~~ subscribed to
20 the within instrument and acknowledged to me that he/~~she~~/they executed the same in
21 his/~~her~~/their authorized capacity ~~(ies)~~, and that by his/~~her~~/their signature ~~(s)~~ on the
22 instrument the person ~~(s)~~, or the entity upon behalf of which the person ~~(s)~~ acted,
23 executed the instrument.

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

26 WITNESS my hand and official seal
27 Signature Patricia A. Valenzuela

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

29 Title or Type of Document Conditional Use Permit
30 Number of Pages 11 Date of Document —
31 Signer(s) Other Than Named Above —



STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On OCTOBER 17, 2008 before me,
PATRICIA A. VALENZUELA a Notary Public in and for
said Imperial County and Imperial State, personally appeared
DARRELL GARDNER, who proved to me on the
basis of satisfactory evidence to be the person ~~(s)~~ whose name ~~(s)~~ is ~~(s)~~ subscribed to
the within instrument and acknowledged to me that he/~~she~~/they executed the same in
~~his~~/~~her~~/~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~/~~her~~/~~their~~ signature~~(s)~~ on the
instrument the person ~~(s)~~, or the entity upon behalf of which the person ~~(s)~~ acted,
executed the instrument.

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

WITNESS my hand and official seal

Signature Patricia A. Valenzuela

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

Title or Type of Document Conditional Use Permit
Number of Pages 11 Date of Document
Signer(s) Other Than Named Above

S:\APN FILES\035\070\016\CUP #08-0024 Amendment to CUP #99-0020.doc



**Attachment “F”
Comment Letters**



AIR POLLUTION CONTROL DISTRICT

December 7, 2023

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

SUBJECT: Time Extension 23-0015 for Conditional Use Permit 08-0024 – Bolthouse WM Farms

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Time Extension (EXT) 23-0015 (Project). The Project would allow for a fifteen (15) year time extension for Conditional Use Permit (CUP) 08-0024, for a carrot washout and hydration facility with seasonal truck staging area. The Project is located at 5337 Lack Rd., Westmorland also identified as Assessor's Parcel Number 035-070-018.

The conditions of CUP 08-0024 most pertinent to the Air District's comments for the project include General Condition G-2 PERMITS/LICENSES and Specific Conditions S-4 APCD DUST CONTROL and S-5 AIR QUALITY PERMITS. Upon reviewing its records, the Air District has identified that active permit #4405 is maintained by the applicant at the project location. The Air District concludes that maintaining this permit supports the applicant is adhering to the applicable CUP conditions to the Air District's satisfaction. The Air District simply reminds the applicant that the project must continue to comply with all Air District Rules and Regulations as well as all Permit Conditions.

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. Souder
APC Division Manager

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 #08-0024 EXT #23-0015
Bolthouse WM Farms
5337 Lack Road, Westmorland, CA 92281

Imperial County Fire Department would like to thank you for the opportunity to review and comment on CUP EXT: #23-0015 for Bolthouse WM Farms, located at 5337 Lack Road, Westmorland, CA 92281.

Imperial County Fire Department has no further comments at this time.

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 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